

Date 6-29-2010

Mr. Don Ashton  
Deputy Executive Officer  
Los Angeles County Board of Supervisors  
Room 383, Kenneth Hahn  
Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Mr. Ashton:

Subject: Project R2008-01463 Alameda Recycling and Metals

Use: Scrap Metal, CRV, Cardboard, Newspaper

Address 2241 East 89th Street, Los Angeles

Firestone Park Zoned District

Related zoning matters:

Tract or Parcel Map No. \_\_\_\_\_

Change of Zone Case No. \_\_\_\_\_

Other Conditional Use Permit

This is a notice of appeal from the decision of the Regional Planning Commission on:  
(Check One)

The Denial of this request

The Approval of this request

The following conditions of the approval:

\_\_\_\_\_

Briefly, the reason for this appeal is as follows:

We are appealing the decision of R2008-01463 regarding a scrap facility. The parcel of land is a heavy risk of polluting the bay and surrounding community because of the hazardous constituents in appliances, motors, metals, and several types of scrap.

The parcel of land is not set up for compliance with the Regional Storm Water Department to include a filter/clarification system that is needed to capture any run off of water.

The County has inconsistencies in the conditions granted to scrap facilities. Environmental laws have changed drastically in the last 20 years.

Enclosed is a check (or money order) in the total amount of \$ 789.00. The amount of \$1,578.00 for applicants or \$789.00 for non-applicants is to cover the Regional Planning Department's processing fee.

Gary Weisenberg Jr.  
ATLAS IRON & METAL CO  
(Signed) Appellant

GARY WEISENBERG  
Print Name

10019 S. ALAMEDA ST  
Address

LOS ANGELES CA 90002

323-566-5784  
Day Time Telephone Number

GARY@ATLASIRONANDMETAL.COM  
E-mail Address



Los Angeles County  
Department of Regional Planning



Planning for the Challenges Ahead

June 17, 2010

Richard J. Bruckner  
Director

Alameda Recycling & Metals  
2241 E. 89th Street  
Los Angeles CA 90002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER R2008-01463  
Conditional Use Permit RCUP200800125  
2241 E. 89th Street, Los Angeles Ca 90002

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, June 16, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, June 30, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Daniel Fierros at (213)974-6443 or e-mail at [DFierros@planning.lacounty.gov](mailto:DFierros@planning.lacounty.gov) of the Zoning Permits Section I. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
Director

Mark Child, Supervising Regional Planner  
Zoning Permits Section I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: BOS; DPW (Building and Safety); Zoning Enforcement,

MC:df

Hearing Footage: 6/16/2010-Item 6

# FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2008-01463-(2)**  
**Conditional Use Permit RCUP200800125**  
**2241 E. 89th Street, Los Angeles**

**HEARING DATE: June 16, 2010**

## **REQUEST:**

The applicant, Jose Diaz, is requesting a Conditional Use Permit (CUP) to authorize the establishment of a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The site plan depicts a total of 24 total parking spaces (15 regular parking spaces, 7 compact, 2 designated for handicapped persons) of which 6 are designated for employees. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of seven 8' x 30' containers and 4 CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. An area is proposed as open storage and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 15' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface. A second Site Plan depict customer truck queuing and traffic pattern which shows 16 spaces for queuing. A third site plan shows the large truck route and traffic pattern within the project site for delivery and removal of cargo containers from the project site.

## **SYNOPSIS:**

**Project was first heard by the Hearing Officer on the following date: 10/6/2009, 11/17/2009, 1/05/2010 and 2/16/2010.**

A duly noticed public hearing was held on October 6, 2009 before Hearing Officer Gina Natoli. After hearing testimony from opponents and taking into consideration various letter of opposition and in favor of the project from the community and direct competitors, the Hearing Officer requested that the hearing be continued to November 17, 2009 to allow time for staff to consult with the Department of Public Works (DPW) in regards to traffic and drainage which were concerns raised by the opponents.

At the November 17, 2009 the Hearing Officer was changed to Officer Paul McCarthy due to Officer Gina Natoli not able to continue hearing. Hearing Officer Paul McCarthy continued the case to January 5, 2010 to allow staff to consult with DPW.

On January 4, 2010 the applicant indicated that they were not successful in submitting the documents to public works. According to the applicant they were in the belief that public works was reviewing the documents that were e-mailed to public works but it turns out that public works did not received the emailed documents. At the January 5, 2010 hearing, the Hearing officer continue the case to February 16 2010; to allow additional time for the applicant to submit a traffic report and the revised site plan to public works.

On February 11 the Department of Public works completed their preliminary review of the traffic study which requires additional information to be submitted by the applicant. According to Public works the applicant traffic consultant has indicated that they will provide the required information sometime this week. Therefore, staff requests that this item be continued to allow public works to complete their traffic review. At the February 16, 2010 Hearing Officer Paul McCarthy referred the case to the Planning Commission's April 14, 2010 hearing for consideration.

Since the February 16, 2010 hearing the applicant has been working with public works trying to resolve site plan revisions required by DPW, grading, drainage, traffic circulation, street lighting and preliminary road conditions.

**The planning commission first heard the case on April 14, 2010, with grading, drainage, traffic circulation, street lighting and preliminary road conditions issues the hearing was continued to June 16, 2010.**

On June 16, 2010 The Department of Public Works submitted conditions of approval and with a recommendation of approval. Staff requested that condition number 31 be modified to read "the permittee shall comply with all conditions imposed by the Department of Public Works in letter dated June 16, 2010".

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

A duly noticed public hearing was held on June 16, 2010 before the Planning Commission. Present was Chair Wayne Rew and Commissioners Esther L. Valadez, Leslie G. Bellamy and Harold V. Helsley; absent Pat Modugno Vice-Chair.

The applicant along with his representative gave a brief presentation followed by two testifiers in favor of the project, of the two testifiers in favor of the project one was the property owner. A third testifier in opposition of the project and owner of Williams Recycling testified that the applicant did not have the proper license and training to handle appliances and that the project should be required to have in place a storm water prevention plan. The applicant's agent Lydia Rodriquez responded by stating that they have prepared the appropriate storm water reports required by the Department of Public Works which will be submitted upon approval. Furthermore, Lydia responded that Mr. Diaz the applicant has over 13 years of experience in the recycling business.

The commission closed the public hearing and held discussions in regards to the hours of operation, future expansion of the special materials & appliances area into the parking stalls ("8R", "7R", "6R", "5R", "4R", "3R").

Motion/second by Commissioners Bellamy/Helsley – that the public hearing be closed and that the Regional Planning Commission approved Project No. R2008-01463-(2) with findings and conditions and modifications to: 1) That excess parking spaces ("8R", "7R", "6R", "5R", "4R", "3R") can be used to expand the " special materials & appliances area". 2) Hours of operation for the facility will be allowed from 8:00 a.m. to 6:00 p.m., seven days a week. The appeal period ends, Wednesday, June 30, 2010.

Findings

1. The subject property is located at 2241 E. 89th Street, in the unincorporated community of Florence-Firestone within the Firestone Park Zone District.
2. The subject property is currently zoned M-2 (Heavy Manufacturing).
3. The applicant Alameda Recycling and Metals is requesting a conditional use permit to authorize the establishment of a scrap metal processing yard and collection other materials such as cardboard, newspaper and CRV materials.
4. Scrap metal processing yards require a conditional use permit in the M-2 Zone.
5. The site plan depicts an office, patio, several cargo containers a freestanding sign, landscaping and a scale.
6. The subject property is currently designated I-Major Industrial in the Los Angeles County General Plan.
7. The surrounding property is zoned as follows:
  - North: M-2 (Heavy Manufacturing)
  - South: M-2 (Heavy Manufacturing)
  - East: M-2 (Heavy Manufacturing)
  - West: M-2 (Heavy Manufacturing)
8. The subject property is currently vacant and surrounding land uses within 500 feet include:
  - North: Auto Glass, Container Storage and Utility Station
  - South: Manufacturing and Used Car Sales
  - East: Alameda Corridor/ Industrial
  - West: Auto Body, towing and vehicle storage
9. The subject property consists of two rectangular-shaped parcels totaling 0.96 acres. One parcel totals 32,957 sq. ft. and the second parcel totals 8,900 sq. ft. A covenant is required to maintain both parcels as one for the term of the conditional use permit.
10. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses and to assure compliance of this grant, it is necessary to require annual monitoring inspections and to limit the term of the grant to 10 years.
11. To satisfy the burden of proof, the facility must be so as not to be detrimental to the public health, safety and general welfare of the community in which such use is located.
12. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the public hearing by mail,

newspaper and property posting.

13. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of two small structures (office and patio). Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
14. The location of the documents and other materials constituting the record of proceedings upon which the Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.
15. A total of five public letters have been received, of which four support the project and one expresses concerns with the project that the "conditional use permit would be issued without the appropriate environmental, noise traffic study and environmental impact studies".
16. The project consists of using two parcels; therefore the permittee shall file and record a covenant and agreement to hold the parcels as one. Submit a copy of the document to be recorded for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION:**

The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

In view of the findings of fact presented above, Conditional Use Permit Number RCUP200800125 / Project R2008-01463-(2) with findings and conditions is APPROVED subject to the attached condition.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety  
VOTE: Concurring: Chair Wayne Rew and Commissioners Esther L. Valadez, Leslie G. Bellamy and Harold V. Helsley

Dissenting:

Abstaining:

Absent: Pat Modugno Vice-Chair

Action Date: June 16, 2010

This conditional use permit authorizes a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials as depicted on the approved revised Exhibit "A", at 2241 E. 89th Street, Florence/Firestone area subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5 and 13 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number

of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
8. If there are any changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A. In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
12. All landscaped areas shall be continuously and properly maintained in good condition.

13. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than six months prior to such expiration date.
14. This grant will terminate on **June 16, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
15. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for fifteen (15) annual (once per year) inspections. Inspections shall be unannounced.

The inspection fee shall be paid within **30 days** of approval. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).

16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event of graffiti or other extraneous markings occurring, the permittee shall

remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
19. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning.
21. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
22. Outside storage is proposed, therefore all operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence. Neither a solid fence nor building exist for the outside storage area; therefore prior to commencing operations the solid fence or building must be constructed. All walls and fences shall comply with Section 22.52.730.

All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, uniform in height relating to the ground upon which they stand as depicted in the approved Exhibit "A"; and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the Director.

23. All areas of the yard open to vehicular passage shall be paved with a concrete surface, an asphalt surfacing, or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way as depicted on the approved Exhibit "A", the site plan.
24. Landscaping areas depicted on the approved Exhibit "A" shall comply with Section 22.52.770, part 20 and part 21 of chapter 22.52, and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants.

No planting area shall have a horizontal dimension of less than three feet.

A permanent watering system with a smart irrigation controller shall be installed for the landscaped area, in compliance with Section 22.52.2130 C.2.

A minimum of 75 percent of the total landscaped area shall contain plants from the drought-tolerant plant list maintained by the Department, in compliance with Section 22.52.2230 A.1.

Prior to the use of this grant, the property owner or permittee shall record a covenant in the office of the Los Angeles county register-Recorder/ County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of the County Code, and is also aware how said requirements apply to the owner's project.

25. Storage shall not be stored above the height of the fence or walls and shall be stored in a manner that it cannot be blown from the enclosed storage area. No such storage shall be placed or allowed to remain outside the enclosed storage area.

All storage container exchange shall be conducted on the premises.

26. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, wheel stops and landscaping).
27. No expansion of the existing storage yard is permitted except as depicted on the approved Exhibit "A", the site plan.
28. No automobile dismantling or parts are permitted on the premises. No wrecked or inoperable vehicles shall be located on the premises.
29. Hours of operation for the facility will be from 8:00 a.m. to 6:00 p.m., seven days a week.
30. The permittee shall file and record a covenant and agreement to hold all parcels on the subject property as one. A copy of the document being recorded shall be provided to DRP Staff prior to recordation for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
31. The permittee shall comply with all conditions imposed by the Department of Public Works in letter dated June 16, 2010.

MC:df

Wednesday, June 16, 2010



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 16, 2010

**TO:** Wayne Rew, Chair  
Pat Modugno, Vice-Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold V. Helsley, Commissioner

**FROM:** Mark Child *MC*  
Zoning Permits 1 Section

**SUBJECT:** PROJECT NUMBER- R2008-01463-(2)  
CONDITIONAL USE PERMIT - RCUP200800125  
2241 E. 89th Street, Los Angeles  
Hearing Date June 16, 2010-Agenda Item Number 6

## BACKGROUND

This project was heard by the Hearing Officer on October 6 2009, November 17, 2009, January 5, 2010 and February 16, 2010 and was forwarded to the Planning Commission for decision due to issues raised by testifiers such as traffic and drainage. The Hearing Officer referred this case to the Regional Planning Commission to be heard with a similar case in the area with the similar issues.

## REQUIRED ENTITLEMENTS

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

## LOCATION

2241 E. 89th Street, in the community of Florence/Firestone in the Firestone Park Zoned District.

## DISCUSSION

On June 10, 2010 Staff submitted a memorandum to the commission requesting that this item to be continued contemplate that DPW pending issues issue would not be resolved prior to today's hearing. On June 16, 2010 The Department of Public Works submitted conditions of approval and a recommendation of approval. Therefore staff request that

condition number 31 be modified to read "the permittee shall comply with all conditions imposed by the Department of Public Works letter dated June 16, 2010. Furthermore, staff has reviewed the project changes and concurs with Public works that the project is ready for approval.

The site plan has been revised and depicts a total of 12 scrap containers, 4 CRV containers, 19 parking spaces, a 10'x 25' scale, a 5'5' scale, a 3,496 sq feet area for scrap materials with 7 unloading parking stalls and an area for special materials and appliances with 3 unloading spaces and 10 queuing spaces for trucks that are waiting to drop off materials.

If you have any additional questions or comments prior to the hearing, please contact Daniel Fierros at (213) 974-6443, or by e-mail at [DFierros@planning.lacounty.gov](mailto:DFierros@planning.lacounty.gov).

Attachments:

- Draft Findings
- Conditions of Approval
- DPW Recommendation to approve and Conditions
- Revised Site Plan

**SUGGESTED APPROVAL MOTION**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND APPROVE CONDITIONAL USE PERMIT NO. RCUP200800125 WITH FINDINGS AND CONDITIONS.**

MC:DF

June 16, 2010

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# FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2008-01463-(2)**  
**Conditional Use Permit RCUP200800125**  
**2241 E. 89th Street, Los Angeles**

**HEARING DATE: June 16, 2010**

## **REQUEST:**

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On June 16, 2010 The Department of Public Works submitted conditions of approval and with a recommendation of approval. Staff requested that condition number 31 be modified to read "the permittee shall comply with all conditions imposed by the Department of Public Works in letter dated June 16, 2010.

#### PROCEEDINGS BEFORE THE HEARING OFFICER:

#### Findings

1. The subject property is located at 2241 E. 89th Street, in the unincorporated community of Florence-Firestone within the Firestone Park Zone District.
2. The subject property is currently zoned M-2 (Heavy Manufacturing).
3. The applicant Alameda Recycling and Metals is requesting a conditional use permit to authorize the establishment of a scrap metal processing yard and collection other materials such as cardboard, newspaper and CRV materials.
4. Scrap metal processing yards require a conditional use permit in the M-2 Zone.
5. The site plan depicts an office, patio, several cargo containers a freestanding sign, landscaping and a scale.
6. The subject property is currently designated I-Major Industrial in the Los Angeles County General Plan.
7. The surrounding property is zoned as follows:  
North: M-2 (Heavy Manufacturing)  
South: M-2 (Heavy Manufacturing)  
East: M-2 (Heavy Manufacturing)

West: M-2 (Heavy Manufacturing)

8. The subject property is currently vacant and surrounding land uses within 500 feet include:  
North: Auto Glass, Container Storage and Utility Station  
South: Manufacturing and Used Car Sales  
East: Alameda Corridor/ Industrial  
West: Auto Body, towing and vehicle storage
9. The subject property consists of two rectangular-shaped parcels totaling 0.96 acres. One parcel totals 32,957 sq. ft. and the second parcel totals 8,900 sq. ft. A covenant is required to maintain both parcels as one for the term of the conditional use permit.
10. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses and to assure compliance of this grant, it is necessary to require annual monitoring inspections and to limit the term of the grant to 10 years.
11. To satisfy the burden of proof, the facility must be so as not to be detrimental to the public health, safety and general welfare of the community in which such use is located.
12. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of two small structures (office and patio). Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
14. The location of the documents and other materials constituting the record of proceedings upon which the Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.
15. A total of five public letters have been received, of which four support the project and one expresses concerns with the project that the "conditional use permit would be issued without the appropriate environmental, noise traffic study and environmental impact studies".
16. The project consists of using two parcels; therefore the permittee shall file and record a covenant and agreement to hold the parcels as one. Submit a copy of the

document to be recorded for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION:**

The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

In view of the findings of fact presented above, Conditional Use Permit Number RCUP200800125 / Project R2008-01463-(2) with findings and conditions is APPROVED subject to the attached condition.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

VOTE: Concurring:  
Dissenting:  
Abstaining:  
Absent:

Action Date: June 16, 2010

This conditional use permit authorizes a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials as depicted on the approved revised Exhibit "A", at 2241 E. 89th Street, Florence/Firestone area subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5 and 13 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number

of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
8. If there are any changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A. In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
12. All landscaped areas shall be continuously and properly maintained in good condition.

13. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than six months prior to such expiration date.
14. This grant will terminate on **June 16, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
15. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for fifteen (15) annual (once per year) inspections. Inspections shall be unannounced.

The inspection fee shall be paid within **30 days** of approval. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).

16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event of graffiti or other extraneous markings occurring, the permittee shall

remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
19. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning.
21. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
22. Outside storage is proposed, therefore all operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence. Neither a solid fence nor building exist for the outside storage area; therefore prior to commencing operations the solid fence or building must be constructed. All walls and fences shall comply with Section 22.52.730.

All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, uniform in height relating to the ground upon which they stand as depicted in the approved Exhibit "A"; and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the Director.

23. All areas of the yard open to vehicular passage shall be paved with a concrete surface, an asphalt surfacing, or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way as depicted on the approved Exhibit "A", the site plan.
24. Landscaping areas depicted on the approved Exhibit "A" shall comply with Section 22.52.770, part 20 and part 21 of chapter 22.52, and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants.

No planting area shall have a horizontal dimension of less than three feet.

A permanent watering system with a smart irrigation controller shall be installed for the landscaped area, in compliance with Section 22.52.2130 C.2.

A minimum of 75 percent of the total landscaped area shall contain plants from the drought-tolerant plant list maintained by the Department, in compliance with Section 22.52.2230 A.1.

Prior to the use of this grant, the property owner or permittee shall record a covenant in the office of the Los Angeles county register-Recorder/ County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of the County Code, and is also aware how said requirements apply to the owner's project.

25. Storage shall not be stored above the height of the fence or walls and shall be stored in a manner that it cannot be blown from the enclosed storage area. No such storage shall be placed or allowed to remain outside the enclosed storage area.

All storage container exchange shall be conducted on the premises.

26. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, wheel stops and landscaping).
27. No expansion of the existing storage yard is permitted except as depicted on the approved Exhibit "A", the site plan.
28. No automobile dismantling or parts are permitted on the premises. No wrecked or inoperable vehicles shall be located on the premises.
29. Hours of operation for the facility will be from 8:00 a.m. to 6:00 p.m., seven days a week.
30. The permittee shall file and record a covenant and agreement to hold all parcels on the subject property as one. A copy of the document being recorded shall be provided to DRP Staff prior to recordation for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
31. The permittee shall comply with all conditions imposed by the Department of Public Works in letter dated June 16, 2010.

MC:df  
Wednesday, June 16, 2010



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

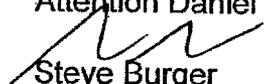
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 16, 2010

IN REPLY PLEASE REFER TO FILE: **LD-1**

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Daniel Fierros

FROM:   
Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 2008-00125**  
**PROJECT NO. R2008-01463**  
**2241 EAST 89TH STREET**  
**UNINCORPORATED COUNTY AREA OF WALNUT PARK**

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the project located in the unincorporated County area of Walnut Park, near the intersection of 89th Street and Alameda Street. The project is for the establishment of a recycling facility for scrap metals, cardboards, newspaper, and California Redemption Value (CRV) materials. The proposed project consists of the construction of a 360-square-foot, modular office building; a 10-foot by 25-foot truck scale; 4 containers for CRV materials; and 12 containers for recyclable.

**Upon approval of the site plan, we recommend the following conditions:**

1. Road
  - 1.1 Dedicate right of way for a corner cut-off at the northwest corner of Alameda Street and 89th Street, based on a curb return radius of 35 feet, to the satisfaction of Public Works. A deposit is required for processing the road deeds.

- 1.2 Dedicate an additional 4 feet of right of way on 89th Street to accommodate the Americans with Disabilities Act (ADA) guidelines for sidewalk. A deposit is required for processing road deeds.
- 1.3 Underground all new service lines to the satisfaction of Public Works.
- 1.4 Plant street trees on Alameda Street and 89th Street. Existing trees in dedicated right of way shall be removed and replaced if not acceptable as street trees.
- 1.5 Reconstruct the curb ramp at the northwest corner of Alameda Street and 89th Street to comply with ADA guidelines to the satisfaction of Public Works.
- 1.6 Close any unused driveways with standard curb, gutter, and sidewalk along the property frontage on 89th Street and Alameda Street.
- 1.7 Reconstruct all driveway approaches to meet current ADA guidelines to the satisfaction of Public Works. Relocate any affected utilities/catch basins if necessary.
- 1.8 Construct 8-foot-wide sidewalk on 89th Street and relocate existing fence to accommodate new sidewalk to the satisfaction of Public Works.
- 1.9 Repair any improvements damaged during construction to the satisfaction of Public Works.
- 1.10 Acquire street improvement plan approval or direct check status before obtaining grading/building permit.
- 1.11 Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the road requirements, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 2 Street Lighting

- 2.1 Provide street lights on concrete poles with underground wiring, along the property frontage on Alameda Street and 89th Street, to the satisfaction of Public Works. Submit street lighting plans along with existing and/or proposed underground utility plans as soon as possible to Public Works' Traffic and Lighting Division, Street Lighting Section, to allow the maximum time for processing and approval.

For any questions regarding street lighting requirement No. 2.1, please contact Emmanuel Okolo at (626) 300-4733 or by e-mail at [eokolo@dpw.lacounty.gov](mailto:eokolo@dpw.lacounty.gov).

- 2.2 The applicant shall comply with conditions of acceptance listed below in order for the lighting districts to pay for the future operation and maintenance of the street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

### Conditions of Acceptance for Street Light Transfer of Billing:

All street lights in the project, or the approved project phase, must be constructed according to Public Works-approved plans. The contractor shall submit one complete set of As-built plans. Provided the above conditions are met, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year provided all street lights in the project, or approved project phase, have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met. The lighting district cannot pay for the operation and maintenance of street lights within gated communities.

For questions regarding street lighting requirement No. 2.2, please contact David Stringer at (626) 300-4754 or by e-mail at [dstring@dpw.lacounty.gov](mailto:dstring@dpw.lacounty.gov)

## 3. Drainage

- 3.1 Prior to issuance of building permits or use of the site, whichever comes first, comply with National Pollutant Discharge Elimination System, Stormwater Management Program, Standard Urban Stormwater Mitigation Plan, and Low-Impact Development requirements and obtain all necessary permits from the Regional Water Quality Control Board.

Mark Child  
June 16, 2010  
Page 4

For questions regarding the road requirements, please contact Chris Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

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# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 10, 2010

**TO:** Wayne Rew, Chair  
Pat Modugno, Vice-Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold V. Helsley, Commissioner

**FROM:** Mark Child *MC*  
Zoning Permits 1 Section

**SUBJECT:** PROJECT NUMBER- R2008-01463-(2)  
CONDITIONAL USE PERMIT - RCUP200800125  
2241 E. 89th Street, Los Angeles  
Hearing Date June 16, 2010-Agenda Item Number 6

## BACKGROUND

This project was heard by the Hearing Officer on October 6 2009, November 17, 2009, January 5, 2010 and February 16, 2010 and was forwarded to the Planning Commission for decision due to issues raised by testifiers such as traffic and drainage. The Hearing Officer referred this case to the Regional Planning Commission to be heard with a similar case in the area with the similar issues.

## REQUIRED ENTITLEMENTS

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

## LOCATION

2241 E. 89th Street, in the community of Florence/Firestone in the Firestone Park Zoned District.

## DISCUSSION

The applicant has advised staff that they are still working with the Department of Public Works (DPW) in regards to site circulation. They are not expecting the remaining issues

to be resolved by the Wednesday June 16 hearing, but they expect to reach a successful solution within 30 days.

Staff recommends that this project be continued to July 21 to allow the applicant and DPW to resolve the pending issues.

If you have any additional questions or comments prior to the hearing, please contact Daniel Fierros at (213) 974-6443, or by e-mail at [DFierros@planning.lacounty.gov](mailto:DFierros@planning.lacounty.gov).

Attachments:

**SUGGESTED CONTINUATION MOTION**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE CONDITIONAL USE PERMIT NO. RCUP200800125 to July 21, 2010.**

MC:DF

June 10, 2010

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Los Angeles County  
Department of Regional Planning



Richard J. Bruckner  
Director

*Planning for the Challenges Ahead*

June 3, 2010

**TO:** Wayne Rew, Chair  
Pat Modugno, Vice-Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold V. Helsley, Commissioner

**FROM:** Mark Child *M*  
Zoning Permits 1 Section

**SUBJECT:** PROJECT NUMBER- R2008-01463-(2)  
CONDITIONAL USE PERMIT - RCUP200800125  
2241 E. 89th Street, Los Angeles

**BACKGROUND**

This project was heard by the Hearing Officer on October 6 2009, November 17, 2009, January 5, 2010 and February 16, 2010 and was forwarded to the Planning Commission for decision due to issues raised by testifiers such as traffic and drainage. The Hearing Officer referred this case to the Regional Planning Commission to be heard with a similar case in the area with the similar issues.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

**LOCATION**

2241 E. 89th Street, in the community of Florence/Firestone in the Firestone Park Zoned District.

**DISCUSSION**

Since the April 14 hearing, the applicant has been working with Department of Public Works (DPW) in regards to grading, traffic and street lighting. On June 2, 2010, the applicant submitted a new project site plan based DPW's traffic circulation

recommendations. Staff has preliminary reviewed the revision and with minor modifications, such as to remove chain link fence from entry gates relocation of some containers, Staff could recommend approval.

Staff is awaiting DPW's comments on the newly revised site plan. Furthermore, DPW will condition the drainage requirements to "prior to issuance of building permits or use of the site whichever comes first". DPW has indicated that they will require the applicant to comply with National Pollutant Discharge Elimination System, Stormwater Management Plan (NPDES), Stormwater Management Program (SWMP), Standard Urban Stormwater Mitigation Plan (SUSMP), and A Low Impact Development Plans (LID), requirements and obtain all necessary permits from the Regional Water Quality Control Board.

Staff will provide an update memorandum prior to the public hearing as to the status of the newly redesigned project.

If you have any additional questions or comments prior to the hearing, please contact Daniel Fierros at (213) 974-6443, or by e-mail at [DFierros@planning.lacounty.gov](mailto:DFierros@planning.lacounty.gov).

Attachments:

MC:DF

June 3, 2010

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# Los Angeles County Department of Regional Planning

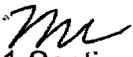
*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

April 14, 2010

**TO:** Wayne Rew, Chair  
Pat Modugno, Vice-Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold V. Helsley, Commissioner

**FROM:** Mark Child   
Zoning Permits 1 Section

**SUBJECT:** PROJECT NUMBER- R2008-01463-(2)  
CONDITIONAL USE PERMIT - RCUP200800125  
2241 E. 89th Street, Los Angeles

## BACKGROUND

This project was heard by the Hearing Officer on October 6 2009, November 17, 2009, January 5, 2010 and February 16, 2010 and was forwarded to the Planning Commission for decision due to issues raised by testifiers such as traffic and drainage. The Hearing Officer referred this case to the Regional Planning Commission to be heard with a similar case in the area with the similar issues.

## REQUIRED ENTITLEMENTS

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

## LOCATION

2241 E. 89th Street, in the community of Florence/Firestone in the Firestone Park Zoned District.

## DISCUSSION

As of April 8, 2010 the Department of Public Works (DPW) does not recommend approval until the applicant receives clearances from DPW's grading, drainage, traffic, street lighting and preliminary roads divisions.

The applicant has made several design changes and has worked with the various DPW's divisions but has not been able to complete DPW's requirements due to the cost involve in preparing those studies and not knowing if they would get approval from Regional Planning.

**MOTIONS**

The following are motion options – continuation or approval.

**SUGGESTED CONTINUATION MOTION**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE CONDITIONAL USE PERMIT NO. RCUP200800125 UNTIL \_\_\_\_\_.**

**SUGGESTED APPROVAL MOTION**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND APPROVE CONDITIONAL USE PERMIT NO. RCUP200800125 WITH FINDINGS AND CONDITIONS.**

Should you have any additional questions or comments prior to the hearing contact Daniel Fierros at (213) 974-6443, or by e-mail at [DFierros@planning.lacounty.gov](mailto:DFierros@planning.lacounty.gov).

Attachments:

Draft Findings of Approval

Draft Conditions

MC:DF

4/14/2010

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# FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2008-01463-(2)**  
**Conditional Use Permit RCUP200800125**  
**2241 E. 89th Street, Los Angeles**

**HEARING DATE: 10/6/2009**

## **REQUEST:**

The applicant, Jose Diaz, is requesting a Conditional Use Permit (CUP) to authorize the establishment of a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The site plan depicts a total of 24 total parking spaces (15 regular parking spaces, 7 compact, 2 designated for handicapped persons) of which 6 are designated for employees. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of seven 8' x 30' containers and 4 CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. An area is proposed as open storage and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 15' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface. A second Site Plan depicts customer truck queuing and traffic pattern which shows 16 spaces for queuing. A third site plan shows the large truck route and traffic pattern within the project site for delivery and removal of cargo containers from the project site.

## **SYNOPSIS:**

**Project was first heard by the Hearing Officer on the following date: 10/6/2009, 11/17/2009, 1/05/2010 and 2/16/2010.**

A duly noticed public hearing was held on October 6, 2009 before Hearing Officer Gina Natoli. After hearing testimony from opponents and taking into consideration various letter of opposition and in favor of the project from the community and direct competitors, the Hearing Officer requested that the hearing be continued to November 17, 2009 to allow time for staff to consult with the Department of Public Works (DPW) in regards to traffic and drainage which were concerns raised by the opponents.

At the November 17, 2009 the Hearing Officer was changed to Officer Paul McCarthy due to Officer Gina Natoli not able to continue hearing. Hearing Officer Paul McCarthy continued the case to January 5, 2010 to allow staff to consult with DPW.

On January 4, 2010 the applicant indicated that they were not successful in submitting the documents to public works. According to the applicant they were in the belief that public works was reviewing the documents that were e-mailed to public works but it turns out that public works did not received the emailed documents. At the January 5, 2010 hearing, the Hearing officer continue the case to February 16 2010; to allow additional time for the applicant to submit a traffic report and the revised site plan to public works.

On February 11 the Department of Public works completed their preliminary review of the traffic study which requires additional information to be submitted by the applicant. According to Public works the applicant traffic consultant has indicated that they will provide the required information sometime this week. Therefore, staff requests that this item be continued to allow public works to complete their traffic review. At the February 16, 2010 Hearing Officer Paul McCarthy referred the case to the Planning Commission's April 14, 2010 hearing for consideration.

Since the February 16, 2010 hearing the applicant has been working with public works trying to resolve site plan revisions required by DPW, grading, drainage, traffic circulation, street lighting and preliminary road conditions.

### PROCEEDINGS BEFORE THE HEARING OFFICER:

#### Findings

1. The subject property is located at 2241 E. 89th Street, in the unincorporated community of Florence-Firestone within the Firestone Park Zone District.
2. The subject property is currently zoned M-2 (Heavy Manufacturing).
3. The applicant Alameda Recycling and Metals is requesting a conditional use permit to authorize the establishment of a scrap metal processing yard and collection other materials such as cardboard, newspaper and CRV materials.
4. Scrap metal processing yards require a conditional use permit in the M-2 Zone.
5. The site plan depicts an office, patio, several cargo containers a freestanding sign, landscaping and a scale.
6. The subject property is currently designated I-Major Industrial in the Los Angeles County General Plan.
7. The surrounding property is zoned as follows:
  - North: M-2 (Heavy Manufacturing)
  - South: M-2 (Heavy Manufacturing)
  - East: M-2 (Heavy Manufacturing)
  - West: M-2 (Heavy Manufacturing)
8. The subject property is currently vacant and surrounding land uses within 500 feet include:
  - North: Auto Glass, Container Storage and Utility Station
  - South: Manufacturing and Used Car Sales
  - East: Alameda Corridor/ Industrial
  - West: Auto Body, towing and vehicle storage

9. The subject property consists of two rectangular-shaped parcels totaling 0.96 acres. One parcel totals 32,957 sq. ft. and the second parcel totals 8,900 sq. ft. A covenant is required to maintain both parcels as one for the term of the conditional use permit.
10. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses and to assure compliance of this grant, it is necessary to require annual monitoring inspections and to limit the term of the grant to 10 years.
11. To satisfy the burden of proof, the facility must be so as not to be detrimental to the public health, safety and general welfare of the community in which such use is located.
12. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of two small structures (office and patio). Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
14. The location of the documents and other materials constituting the record of proceedings upon which the Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.
15. A total of five public letters have been received, of which four support the project and one expresses concerns with the project that the "conditional use permit would be issued without the appropriate environmental, noise traffic study and environmental impact studies".
16. The project consists of using two parcels; therefore the permittee shall file and record a covenant and agreement to hold the parcels as one. Submit a copy of the document to be recorded for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area; and

- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION:**

The Commission has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

In view of the findings of fact presented above, Conditional Use Permit Number RCUP200800125 / Project R2008-01463-(2) with findings and conditions is APPROVED subject to the attached condition.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

VOTE: Concurring:  
Dissenting:  
Abstaining:  
Absent:

Action Date: April 14, 2010

This conditional use permit authorizes a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials as depicted on the approved revised Exhibit "A", at 2241 E. 89th Street, Florence/Firestone area subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5 and 13 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number

of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
8. If there are any changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
12. All landscaped areas shall be continuously and properly maintained in good condition.

13. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than six months prior to such expiration date.
14. This grant will terminate on **April 14, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
15. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.  
  
Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for fifteen (15) annual (once per year) inspections. Inspections shall be unannounced.  
  
The inspection fee shall be paid within **30 days** of approval. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event of graffiti or other extraneous markings occurring, the permittee shall

remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
19. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning.
21. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
22. Outside storage is proposed, therefore all operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence. Neither a solid fence nor building exist for the outside storage area; therefore prior to commencing operations the solid fence or building must be constructed. All walls and fences shall comply with Section 22.52.730.

All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, uniform in height relating to the ground upon which they stand as depicted in the approved Exhibit "A"; and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the Director.

23. All areas of the yard open to vehicular passage shall be paved with a concrete surface, an asphalt surfacing, or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way as depicted on the approved Exhibit "A", the site plan.
24. Landscaping areas depicted on the approved Exhibit "A" shall comply with Section 22.52.770, part 20 and part 21 of chapter 22.52, and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants.

No planting area shall have a horizontal dimension of less than three feet.

A permanent watering system with a smart irrigation controller shall be installed for the landscaped area, in compliance with Section 22.52.2130 C.2.

A minimum of 75 percent of the total landscaped area shall contain plants from the drought-tolerant plant list maintained by the Department, in compliance with Section 22.52.2230 A.1.

Prior to the use of this grant, the property owner or permittee shall record a covenant in the office of the Los Angeles county register-Recorder/ County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of the County Code, and is also aware how said requirements apply to the owner's project.

25. Storage shall not be stored above the height of the fence or walls and shall be stored in a manner that it cannot be blown from the enclosed storage area. No such storage shall be placed or allowed to remain outside the enclosed storage area.

All storage container exchange shall be conducted on the premises.

26. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, wheel stops and landscaping).
27. No expansion of the existing storage yard is permitted except as depicted on the approved Exhibit "A", the site plan.
28. No automobile dismantling or parts are permitted on the premises. No wrecked or inoperable vehicles shall be located on the premises.
29. Hours of operation for the facility will be from 8:00 a.m. to 6:00 p.m., seven days a week.
30. The permittee shall file and record a covenant and agreement to hold all parcels on the subject property as one. A copy of the document being recorded shall be provided to DRP Staff prior to recordation for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
31. The permittee shall comply with all conditions imposed by the Department of Public Works in letter dated \_\_\_\_\_.

MC:df

Wednesday, April 14, 2010





Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443

**PROJECT NUMBER- R2008-01463-(2)**  
**CONDITIONAL USE PERMIT - RCUP200800125**

**PUBLIC HEARING DATE**  
 April 14, 2010

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Alameda Recycling & Metals

**OWNER**

Steven & Michelle Lewis

**REPRESENTATIVE**

None

**PROJECT DESCRIPTION**

The facility will buy scrap metals and California Redemption Value (CRV) materials. The Materials will be sorted and loaded into containers. The containers will be transported to a processing facility located off site. The Estimated number of employees is 4 or 5 employees on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection of other materials such as cardboard, newspaper and CRV materials.

**LOCATION/ADDRESS**

2241 E. 89th Street, Los Angeles

**SITE DESCRIPTION**

The site plan depicts a total of 24 parking spaces (15 regular parking spaces, 7 compact, 2 designated for handicapped persons) of which 6 are designated for employees. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of seven 8' x 30' containers and 4 CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. An area is proposed as open storage and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 15' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface. A second site plan depicts customer truck queuing and circulation pattern which shows 16 spaces for queuing. A third site plan shows the large truck route and traffic circulation within the project site for delivery and removal of cargo containers from the project site.

**ACCESS**

Access is from Alameda Street

**ZONED DISTRICT**

Firestone Park

**ASSESSORS PARCEL NUMBER**

6045-022-007 & 6045-022-008

**COMMUNITY**

Florence-Firestone

**SIZE**

0.96 Acres

**COMMUNITY STANDARDS DISTRICT**

Florence-Firestone

**EXISTING LAND USE**

**EXISTING ZONING**

	EXISTING LAND USE	EXISTING ZONING
Project Site	Vacant	M-2(Heavy Manufacturing)
North	Auto Glass, Container Storage and Utility Station	M-2(Heavy Manufacturing)
East	Alameda Corridor/ Industrial	M-2(Heavy Manufacturing)
South	Manufacturing and Used Car Sales	M-2(Heavy Manufacturing)
West	Auto Body, towing and vehicle storage	M-2(Heavy Manufacturing)

**GENERAL PLAN/COMMUNITY PLAN**

County Wide

**LAND USE DESIGNATION**

I-Major Industrial

**MAXIMUM DENSITY**

**ENVIRONMENTAL DETERMINATION**

Categorically Exempt: Class 3 Exemption (New Construction or Conversion of Small Structures)

**RPC LAST MEETING ACTION SUMMARY**

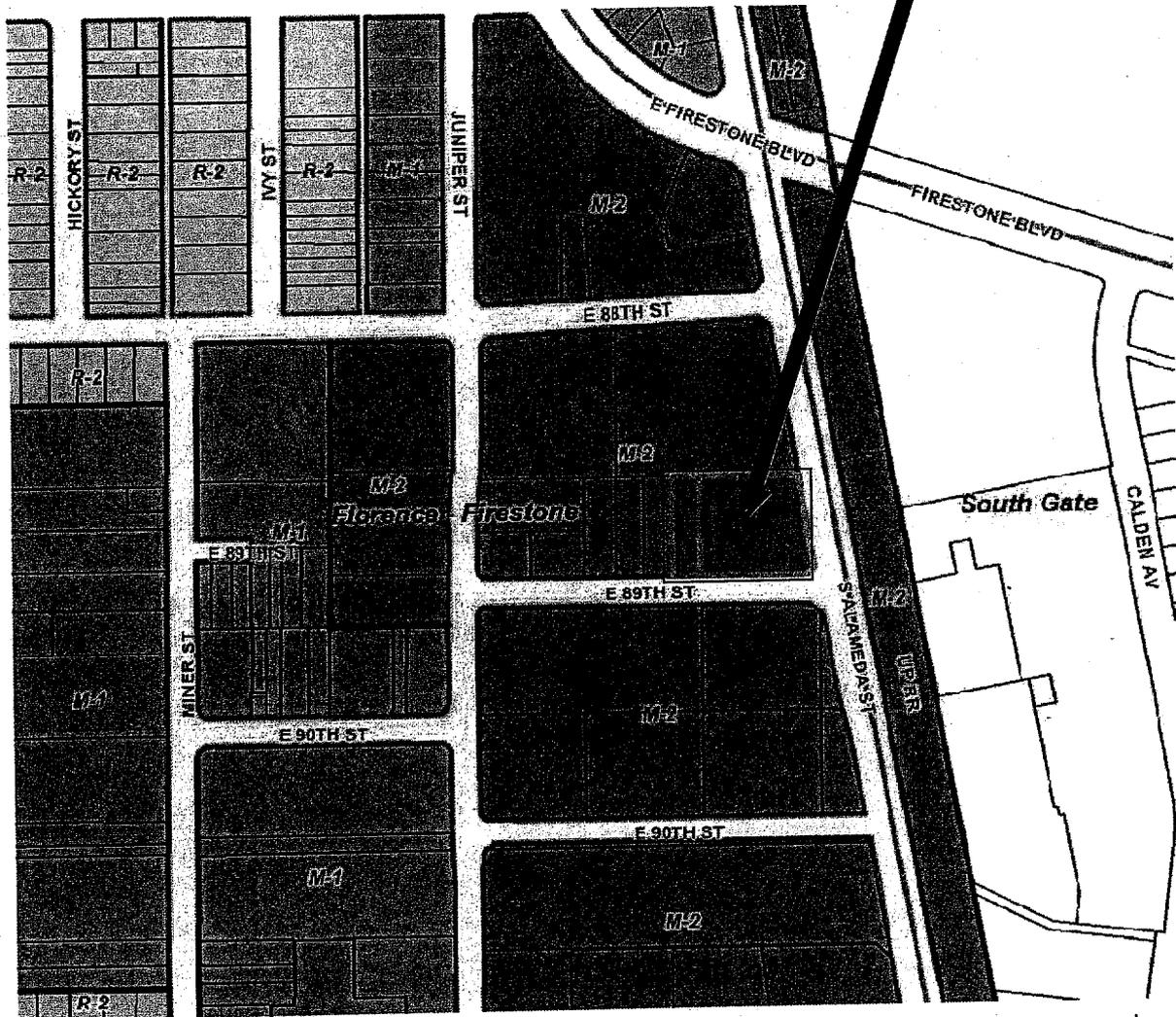
LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

STAFF CONTACT PERSON: Daniel Fierros		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor

# Property Location



**PARCEL 6045-022-007 & 6045-022-008**  
**2241 E. 89<sup>TH</sup> STREET LOS ANGELES CA 90002**

**STAFF ANALYSIS**  
**PROJECT NUMBER R2008-01463**  
**Conditional Use Permit RCUP200800125**

This project was heard by the Hearing Officer on October 6 2009, November 17, 2009, January 5, 2010 and February 16, 2010 and was forwarded to the Planning Commission for decision due to issues raised by testifiers. The Hearing Officer referred this case to the Regional Planning Commission to be heard with a similar case in the area with the similar issues.

**PROJECT DESCRIPTION**

The proposed facility would buy scrap metals and California Redemption Value (CRV) materials. The Materials would be classified and sorted in the project site open areas and then loaded into containers. The containers would be hauled away to a processing facility located off site. The Estimated number of employees is 4 or 5 employees on a single shift. Operation hours would be from 8:00 a.m. to 6 p.m. seven days a week.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

**LOCATION**

2241 E. 89th Street, Florence/Firestone area.

**SITE PLAN DESCRIPTION**

The site plan depicts a total of 24 parking spaces (15 regular parking spaces, 7 compact, 2 designated for handicapped persons) of which 6 are designated for employees. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of seven 8' x 30' containers and 4 CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. An area is proposed as open storage and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 15' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface. A second site plan depicts customer truck queuing and circulation pattern which shows 16 spaces for queuing. A third site plan shows the large truck route and traffic circulation within the project site for delivery and removal of cargo containers from the project site.

**ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 3 - New Construction or Conversion of Small Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

### PREVIOUS CASES/ZONING HISTORY

CP99021 Continued use of a dismantling yard-September 29, 1999 - Denied

### STAFF EVALUATION

#### General Plan Consistency

Surrounding properties are zoned M-2 (Heavy Manufacturing). Properties in the M-2 Zone may be used for scrap metal processing yards subject to the requirements of Part 9 of Chapter 22.52 provided that a conditional use permit is obtained.

#### Zoning Ordinance and Development Standards Compliance

The proposed project substantially meets the Los Angeles County Code requirements and the subject property's General Plan designation.

#### Neighborhood Impact/Land Use Compatibility

The proposed project is compatible with the existing surrounding industrial uses. The establishment of a new scrap metal processing facility will not impact the surrounding neighborhood. Uses of this type are typical for Heavy Manufacturing and provides needed industrial opportunities. There are several scrap metals and CRV facilities within the vicinity, therefore added competition could provide better service and redemption value to existing community scrap metal and CRV recyclers.

#### Burden of Proof

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following:

- A) That the requested use at the location proposed will not: 1) adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, or 2) be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, or 3) jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.
- B) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C) That the proposed site is adequately served: 1) by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and 2) by other public or private service facilities as are required.

Staff finds that the proposed project substantially meets the above burden of proof.

### COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The following departments have commented on this project:

On July 27, 2009 staff provided project information to the Department of Public Works (DPW) for comments. Prior to the first public hearing no comments had been received. On March 3, 2010,

DPW submitted comments with a recommendation NOT to approve the project as designed until the applicant addresses the required site plan revisions required by DPW, specifies grading, drainage, traffic circulation, street lighting and preliminary road conditions. To date these concerns of DPW have not been resolved. Updated information will be provided in next week's transmittal.

At the Hearing Officer hearing, Detective Carl McCraven has commented there are requirements outside the CUP that the applicant is required to comply with all State Laws (AB844) and Los Angeles County B&P Code (21606 B7P).

### **PUBLIC COMMENTS**

A total of five public letters have been received, of which four in support of the project and one expressing their concerns with the project that the "conditional use permit would be issued without the appropriate environmental, noise traffic study and environmental impact studies".

Three people have testified in favor of the project at the Hearing officer hearing and four people have testified against the project. Those opposed are concerned with traffic, drainage and environmental issues.

### **FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Planning Commission.

### **STAFF RECOMMENDATION**

Staff will provide a recommendation with next week's transmittal when we have news to report from DPW.

Prepared by Daniel Fierros, Senior Regional Planner

Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits Section I

#### **Attachments:**

Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Environmental Document  
Site Photographs  
Site Plan  
Land Use Map

This conditional use permit authorizes a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials as depicted on the approved revised Exhibit "A", at 2241 E. 89th Street, Florence/Firestone area subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5 and 13 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number

of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
8. If there are any changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A. In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
12. All landscaped areas shall be continuously and properly maintained in good condition.

13. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than six months prior to such expiration date.
14. This grant will terminate on **April 14, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
15. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for fifteen (15) annual (once per year) inspections. Inspections shall be unannounced.

The inspection fee shall be paid within **30 days** of approval. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).

16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. In the event of graffiti or other extraneous markings occurring, the permittee shall

remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
19. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning.
21. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
22. Outside storage is proposed, therefore all operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence. Neither a solid fence nor building exist for the outside storage area; therefore prior to commencing operations the solid fence or building must be constructed. All walls and fences shall comply with Section 22.52.730.

All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, uniform in height relating to the ground upon which they stand as depicted in the approved Exhibit "A"; and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the Director.

23. All areas of the yard open to vehicular passage shall be paved with a concrete surface, an asphalt surfacing, or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way as depicted on the approved Exhibit "A", the site plan.
24. Landscaping areas depicted on the approved Exhibit "A" shall comply with Section 22.52.770, part 20 and part 21 of chapter 22.52, and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants.

No planting area shall have a horizontal dimension of less than three feet.

A permanent watering system with a smart irrigation controller shall be installed for the landscaped area, in compliance with Section 22.52.2130 C.2.

A minimum of 75 percent of the total landscaped area shall contain plants from the drought-tolerant plant list maintained by the Department, in compliance with Section 22.52.2230 A.1.

Prior to the use of this grant, the property owner or permittee shall record a covenant in the office of the Los Angeles county register-Recorder/ County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of the County Code, and is also aware how said requirements apply to the owner's project.

25. Storage shall not be stored above the height of the fence or walls and shall be stored in a manner that it cannot be blown from the enclosed storage area. No such storage shall be placed or allowed to remain outside the enclosed storage area.

All storage container exchange shall be conducted on the premises.

26. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, wheel stops and landscaping).
27. No expansion of the existing storage yard is permitted except as depicted on the approved Exhibit "A", the site plan.
28. No automobile dismantling or parts are permitted on the premises. No wrecked or inoperable vehicles shall be located on the premises.
29. Hours of operation for the facility will be from 8:00 a.m. to 6:00 p.m., seven days a week.
30. The permittee shall file and record a covenant and agreement to hold all parcels on the subject property as one. A copy of the document being recorded shall be provided to DRP Staff prior to recordation for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
31. The permittee shall comply with all conditions imposed by the Department of Public Works in letter dated \_\_\_\_\_.

MC:df  
Wednesday, April 14, 2010



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

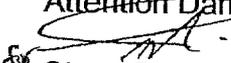
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

March 3, 2010

IN REPLY PLEASE  
REFER TO FILE: LD-3

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Daniel Fierros

FROM:  Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 2008-00125**  
**PROJECT NO. R2008-01463**  
**2241 EAST 89TH STREET**  
**UNINCORPORATED COUNTY AREA OF WALNUT PARK**

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the project located in the unincorporated County area of Walnut Park, near the intersection of 89th Street and Alameda Street. The project is for the establishment of a recycling facility for scrap metals, cardboards, newspaper, and California Redemption Value materials (cans, bottles, etc.). The project consists of the construction of a 486-square-foot office building, a 519-square-foot covered patio, a 10-foot by 25-foot truck scale, and 10 containers for recyclable materials.

Prior to Regional Planning's approval of the site plan, the following items need to be addressed, submitted, or shown on the revised site plan:

A. Right of Way and Road Improvement

1. The traffic assessment and circulation plans must address truck turning radius, delivery and pick-up schedules, vehicle queuing, and other related traffic circulation items as well as other comments as specified by Public Works' Traffic and Lighting Division comments to Mid-Cities Engineering.

2. Revise the site plan to address the following:
  - a. Accurately show and label all existing street improvements including curb and gutter, sidewalks, driveways, block walls, utility poles, traffic signals poles, etc., using accepted topographic conventions (see Standard Plans for Public Works Construction) on both sides of Alameda Street and 89th Street 100 feet beyond the proposed improvements.
  - b. Dimension and show the centerline to curb, centerline to right of way, and right-of-way to right-of-way widths along Alameda Street and 89th Street. In addition, show parkway and sidewalk widths.
  - c. Label the curb return radius at the corner of Alameda Street and 89th Street (northwest corner).
  - d. Clarify if gates are proposed. If so, relocate gates 20 feet behind the right of way and indicate gates shall be open during all operating hours.
  - e. Specify the disposition of all the existing driveways on Alameda Street and 89th Street (e.g., to remain, to be closed, etc.).
  - f. Show traffic circulation pattern in the yard. It appears you are creating two isolated parking areas. Show all proposed bins and sorting area and semi-truck circulation. Show all working vehicles (forklifts maneuvering area), unloading and sorting area, and travel pathway. The number and location of driveways on Alameda Street are not approved and are subject to redesign. It is recommended that the internal circulation be such that the driveways in Alameda Street can be consolidated into one to minimize cross-turning conflict. If more than one driveway is needed, greater separation between driveways should be provided.
  - g. Show corner cut-off based on a 25-foot curb return at the corner of Alameda Street and 89th Street.
  - h. The parking stalls closest to the right of way shall be removed or relocated to provide a 20-foot minimum throat length at the driveway location on Alameda Street.
  - i. Dimension all existing and proposed driveways properly.
  - j. Use an engineering scale.

k. Reduce the height of the metal fence within 10-feet of either side of any driveway from 10 feet to 3 feet in order to not impede the line of sight. Alternatively, you may use a non-obscuring fence in lieu of metal fence (e.g., chain-link fence, wrought-iron fence, etc.).

l. Reflect dedication and improvement requirements noted Section 1 below.

For questions regarding the right of way/road improvement items above, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

B. Grading

1. Specify any proposed grading on the site plan.
2. Specify amount of earthwork on the site plan (if any).

For questions regarding the grading items above, please contact David Esfandi at (626) 458-4921 or by e-mail at [mesfandi@dpw.lacounty.gov](mailto:mesfandi@dpw.lacounty.gov).

C. Drainage

1. Submit a drainage concept/Low-Impact Development (LID)/Standard Urban Stormwater Mitigation Plan (SUSMP) showing the extent of drainage impacts and provide mitigation acceptable to the County. The analysis should address increases in runoff, any change in drainage patterns, LID, and SUSMP.
2. A SUSMP (as part of the drainage concept) is required prior to approval of the CUP.
3. A Low Impact Development Plans (LID) (as part of the drainage concept) is required prior to the tentative approval of the map.
  - a. Per County Code Section 12.84.460 comply with LID requirements and provide calculations in accordance with the LID Standards Manual, which can be found at [http://dpw.lacounty.gov/wmd/LA\\_County\\_LID\\_Manual.pdf](http://dpw.lacounty.gov/wmd/LA_County_LID_Manual.pdf)

For questions regarding the drainage items above, please contact Chris Sheppard at (626) 458-4921 or by e-mail at [csheppard@dpw.lacounty.gov](mailto:csheppard@dpw.lacounty.gov).

**Upon approval of the site plan, we recommend the following conditions:**

1. Preliminary Road Conditions

All items in Section A above must be addressed prior to setting final conditions. The following are preliminary road related conditions:

- 1.1 Underground all new service lines and distribution lines that are less than 50 KV and new utility lines to the satisfaction of Public Works and Southern California Edison. Please contact Construction Division at (626) 458-3129 for new location of any above-ground utility structure in the parkway.
- 1.2 Plant street trees on Alameda Street and 89th Street. Existing trees in dedicated right of way shall be removed and replaced if not acceptable as street trees.
- 1.3 Reconstruct the curb ramp at the corner of Alameda Street and 89th Street to meet the current standards for Americans with Disability Act (ADA) to the satisfaction of Public Works.
- 1.4 Close any unused driveways with standard curb, gutter, and sidewalk along the property frontage on 89th Street and Alameda Street to the satisfaction of Public Works.
- 1.5 Construct all driveway approaches to meet current ADA requirements to the satisfaction of Public Works. Relocate any affected utilities/catch basins (if any).
- 1.6 Dedicate additional right of way on 89th Street to accommodate ADA requirements for sidewalk clearances around raised obstructions and driveway landings. A deposit is required for processing road deeds.
- 1.7 Reconstruct portions of sidewalk on 89th Street and relocate portions of existing fence to accommodate sidewalk pop-outs to the satisfaction of Public Works.
- 1.8 Repair any improvements damaged improvements during construction to the satisfaction of Public Works.

- 1.9 Dedicate a right-of-way corner cut-off at the intersection of Alameda Street and 89th Street based on a curb return radius of 25 feet to the satisfaction of Public Works.
- 1.10 Acquire street improvement plan approval or direct check status before obtaining grading/building permit.
- 1.11 Execute an Agreement to Improve for the street improvements prior to issuance of a building permit.

For questions regarding the road conditions above, please contact Sam Richards at (626) 458-4921 or by e-mail at [srich@dpw.lacounty.gov](mailto:srich@dpw.lacounty.gov).

## 2 Street Lighting Requirements

- 2.1 Provide street lights on concrete poles with underground wiring along the property frontage on Alameda Street and 89th Street to the satisfaction of Public Works. Submit street lighting plans along with existing and/or proposed underground utility plans as soon as possible to Public Works' Traffic and Lighting Division, Street Lighting Section, to allow the maximum time for processing and approval.

For any questions regarding street lighting requirements 2.1, please contact Emmanuel Okolo at (626) 300-4733 or by e-mail at [eokolo@dpw.lacounty.gov](mailto:eokolo@dpw.lacounty.gov).

- 2.2 Upon approval of this permit, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$30,000.00. The amount is subject to change upon submittal of final street lighting plans. The applicant shall comply with conditions of acceptance listed below in order for the lighting districts to pay for the future operation and maintenance of the street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

### Conditions of Acceptance for Street Light Transfer of Billing:

All street lights in the project, or the approved project phase, must be constructed according to Public Works-approved plans. The contractor shall submit one complete set of as-built plans. Provided the above conditions are met, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year

Mark Child  
March 3, 2010  
Page 6

provided all street lights in the project, or approved project phase, have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met. The lighting district cannot pay for the operation and maintenance of street lights within gated communities.

For questions regarding street lighting requirements 2.2 above, please contact David Stringer at (626) 300-4754 or by e-mail at [dstringer@dpw.lacounty.gov](mailto:dstringer@dpw.lacounty.gov)

If you have any other questions or require additional information, please contact Toan Duong or Ruben Cruz at (626) 458-4910 or by e-mail at [tduong@dpw.lacounty.gov](mailto:tduong@dpw.lacounty.gov) or [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

P:/LDPUB/SUBMGT/CUP/ Project R2008-01463\_CUP 200800125\_2241 E89THST.DOCX

**Burden of Proof for Proposed Recycling Center at 2241 East 89<sup>th</sup> Street in East Los Angeles, California 90002**

Pursuant to Los Angeles County Code Section 22.56.040, the applicant must substantiate the following facts for a Conditional Use Permit:

1- That the requested use at the location proposed will not:

A. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or

B. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or

C. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

*The proposed recycling center will not affect the health, peace comfort or welfare of the persons residing or working in the surrounding area. The proposed site is located in a heavy industrial area of the County of Los Angeles where other compatible uses are located. The closest residential areas or educational facilities will not be affected since the nature of the recycling products to be collected at the site pose no threat to the human health.*

*The proposed recycling center will not affect the use, enjoyment or valuation of property of other persons located in the vicinity of the site since it poses no threat to the property values. On the other hand the proposed improvements and occupancy of the proposed building will provide for an opportunity to the nearby residents and workers to dispose their recyclable items and to contribute to the state goals of reducing the waste that goes into our landfills.*

*The proposed recycling center will not endanger or otherwise constitute a menace to the public health, safety or general welfare since it will not collect any hazardous materials other than those marked with the California redemption value, metals, cardboard and newspapers that otherwise would not be recycled.*

2-That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as otherwise required in order to integrate said use with the uses in the surrounding area.

***The proposed recycling center is adequate in size and shape to accommodate all the required development guidelines established by the county. Recycled materials will be stored in containers once they are classified in an area not visible from the street. The existing fences will be upgraded and landscaping will be provided to comply with the County's requirements.***

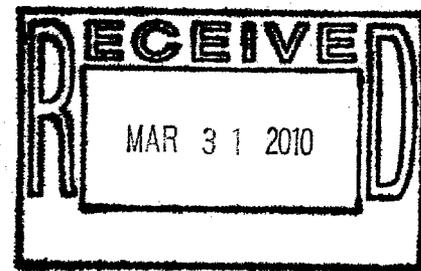
3-That the proposed site is adequately served:

A. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and

***The proposed recycling center is located in an area that is well served by paved roads and close to freeway access. Alameda Street is a main arterial that provides access not the only industrial area of the Florence Firestone area but connects the downtown warehouses with the Los Angeles Ports. All streets are wide enough to accommodate for trucks to deliver and pick up the container where the recyclable will be collected and shipped.***

B. By other public or private service facilities as are required. ***All other utilities and services are available on the site for proposed for recycling center.***

MID CITIES ENGINEERING



March 30, 2010

To Whom It May Concern:

This letter is to inform you that this traffic assessment was prepared in October 2009 and submitted to the Department of Public Works in November 2009 to Steve Burger via e-mail by Carmen Martinez. A paper report was submitted by Mrs. Martinez to Public Works and the required fee was paid in December 2009. The report was initially reviewed by Isaac Wong who had minor corrections that were received and addressed in February 2010. (a copy of the corrections attached) Mr. Wong has now informed us that there was a change in functions at public works and that the responsibility of reviewing this assessment has been assigned to the Land Development unit and that we should contact Ruben Cruz. We have diligent work on this assessment and have included all the information necessary for you to review the document but have not received a final determination. We have also included the latest recommendations from the Department of Public Works as of today in the report because they made sense and would enhance the vehicle exiting from the proposed project.

Sincerely,

Carlos Alvarez,

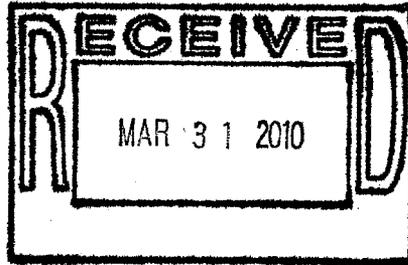
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MID CITIES ENGINEERING  
15411 STEVENS AVE, BELLFLOWER CA90706

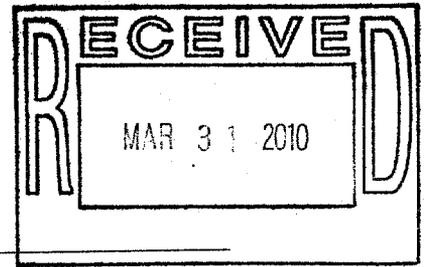
# TRAFFIC ASSESSMENT

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2241 EAST 89TH STREET, LA CA 90002

March 30, 2010





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## INTRODUCTION

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Mid Cities Engineering, Inc is pleased to submit this traffic assessment for the recycling facility proposed by Mr. Jose Diaz at 2241 East 89th Street in Los Angeles. This assessment presents our evaluation of the site location, on-site circulation of vehicles and truck maneuvering as well as a brief comparison to other projects in the area currently conducting similar operations. This assessment also provides an estimate of the trips generated by the project as well as an analysis of the project design and its effects on the level of service along Alameda Street.

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## OVERVIEW OF THE PROJECT

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The proposed site is located at the North-West corner of Alameda Street and 89th Street in the un-incorporated area of the County of Los Angeles, in a zone classified M-2 or designated for Heavy Industrial Use. The site is almost an acre (0.96) of land and has a flat topography and it is currently improved with a concrete slab that was part of the prior warehouse development built in the 1940's.

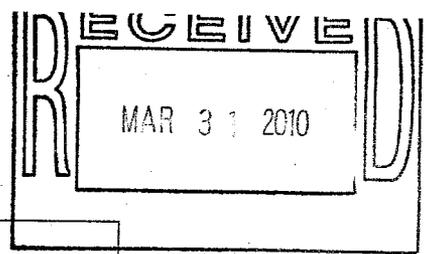
The proposed project will be a recycling center for scrap metals as well as California Recycled Materials also known as CRV. These materials will be purchased from the public and resold to different processors and exporters.

The County of Los Angeles requires a Conditional Use Permit C.U.P. for Scrap Metal Yards for recycling centers operating in M-2 zones and for any scrap metal processing yard. The LA County Code Title 22.08.190 S provides this definition. "*Scrap metal processing yard*" means any establishment or place of business which is maintained, used or operated solely for the processing and preparing of scrap metals for re-melting by steel mills and foundries."

Although there is no specific part the County Code that addresses recycling centers this particular project does not fully fall under this classification because essentially they will be not conducting any "processing or re-melting" The Los Angeles County still requires a conditional C.U.P to impose the conditions required for scrap metal yards mentioned in part 9 of section 22.52, which requires to provide a fence to prevent public view and parking requirements mentioned in section 12 of 22.52.

*The County of Los Angeles in Title 22 has specific requirements in section 9 of their general regulations as well as in section 22.52.1205*

*Scrap metal processing, automobile dismantling and junk and salvage yards*



- A. The following required parking spaces, and adequate access thereto, shall be maintained for each yard; these requirements are in addition to those imposed by Section 22.52.1140:*
- 1. One parking space for each 7,000 square feet of yard area or fraction thereof, up to the first 42,000 square feet;*
  - 2. One parking space for each 20,000 square feet of yard area or fraction thereof, in excess of 42,000 square feet;*
  - 3. Regardless of size of the yard area, a minimum of three parking spaces shall be provided.*

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### PROPOSED USE OF THE SITE

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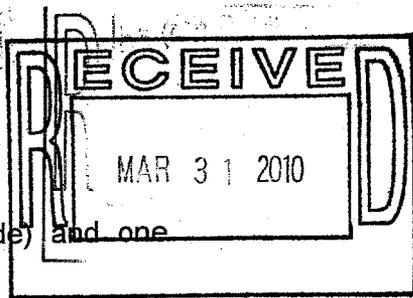
The proposed project site is located at the North-West corner of Alameda Street and 89th Street in the un-incorporated area of the County of Los Angeles, in a zone classified as M-2 which is reserved for Heavy Industrial Use. The site is 41,857 square feet in size (0.96 acres) and has a flat topography and it is improved with a concrete slab that was part of the prior warehouse development built in 1942 and 1942.

The proposed project will be a recycling center for scrap metals (aluminum, bronze, cast iron, and many others) as well as California Redemption Value also known as CRV materials (aluminum cans, glass and plastic beverage containers). These materials are to be purchased from individuals who collect these types of commodities from different sources.

The project is composed of two main areas of service. The first area of service is dedicated to receive CRV materials. Customers will manually unload their vehicles and place them in a scale. The attendant will weight these materials and place them in the appropriate containers. The second area of service is dedicated to the scrap metals. All customers bringing scrap metals will have their vehicles weighted first in the vehicle scale. Customers will proceed to dump their materials into containers or in the open stage area. These materials will be classified and then loaded into containers to be sent somewhere else for processing. Trucks will come to pick up and all deliver the containers from the open staging area

Exhibit "A-1" depicts the site plan of the proposed site and identifies the following important components.

1. A light truck scale (25' long by 10' wide)
2. 18 parking spaces for customers and 6 for employees (24 total spaces)
3. A open area for staging of containers and open storage of scrap metals of approximately 13,000 sq. ft. (150' x 87") highlighted in yellow on exhibit A-2
4. A 480 square feet office and patio cover.



5. Two driveways along Alameda Street (20' and 30' wide) and one driveway along 89<sup>th</sup> Street (20' wide).

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### OPERATIONS DESCRIPTION

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The proposed operation will consist of four basic components, CRV materials, Scrap Metal operation, truck maneuvering and administration. For the purposes of this assessment we will be analyzing the first three components.

The first component is the area dedicated to CRV and small amounts of more valuable metals. This area is located on the northern easterly area of the project. The area is identified in Exhibit "A-1" as the area is delimited by customer parking spaces 1R to 8R and employee parking to the west. This area is designed to handle all CRV materials and metals that can be manually weighted in a small scale located behind parking space number two. The majority of vehicles entering this area will be automobiles, minivans and pick-up trucks. The average time to serve a customer is estimated at twenty five minutes to complete a full transaction. The transaction includes unloading the CRV containers, obtaining a weight slip and getting paid. Assuming a twenty five minute service for a full transaction; is expected that sixteen customers can be served every hour. This translates into one hundred and sixty cars (160) per day. At this point in time is optimistically expected that less than one hundred customers a day will use this portion of project by the end of their first year of operations. The project design has the capacity to handle up to one hundred and sixty vehicles a day. Additional efficiencies can be incorporated later into the project, therefore increasing the number of customers being served. This can be achieved by decreasing the average time to serve a customer to about twenty minutes therefore incrementing the number of customers.

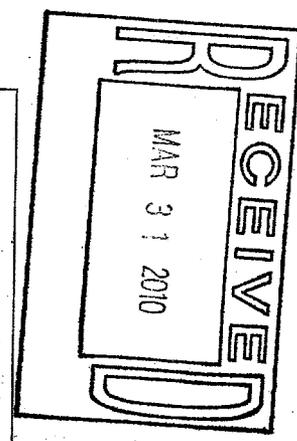
The second component of the operations of this project is dedicated to the bulky and heavier scrap metals. The vehicles bringing only scrap metals will go directly to the truck scale located to the west of the project. (Please note that project is designed for trucks with a maximum wheel base of 25' or WB25)<sup>1</sup>

The distance from the gate to the truck scale is over 180' in straight direction from the truck entrance. In order to provide for a maximum queuing capacity the truck scale is being proposed at 60 degree angle as described in exhibit "A-1 and A-2". The radius provided for this turn is over 49 feet. The majority of the vehicles bringing scrap metal will be light duty pick up trucks that can handle this turn<sup>2</sup>. These trucks are described in box below:

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<sup>1</sup> As expressed by management, customers driving larger trucks (over 25WB) will not be accepted at this facility they will be send directly to the exporters who have the scales and equipment to service them.

<sup>2</sup> The average turning radius for a full U-turn is forty one feet (41') for all small light trucks.



*The most popular vehicles used by scrap metal collectors as observed by Mid Cities Engineering at the existing projects examined are described as:*

- *Toyota Pick up truck DLS or SR5 with an average length of 15 feet for the regular cab and 16'-7" for the extended cab (Maximum weight capacity of 1700 to 1800 pounds); (models from 2000 and before)*
- *2. Toyota Tacoma with an average length of 15'-4" for the regular cab and 16'-11" for the extended cab; (Maximum weight capacity of 1700 to 1900 pounds) (models from 2005 and before)*
- *Nissan Frontier with an average length of 15'-4" for the regular cab and 16'-4" for the extended (Maximum weight capacity of 1700 to 1900 pounds) (models from 2004 and before)*
- *The Ford 150 pick up truck with an average length of 16'-4" for the regular cab and regular bed to 17'-13" for the regular cab with extended bed and a wheel base of 119" can turn curb to curb in 40'-1' and has a weight capacity of 2,300 to 4,300 pounds. (models from 2003 and before)*
- *The Chevrolet S-10 Pick up truck with an average length of 14'-10" for the regular cab short bed to 16'-4" for the regular cab and extended bed (models from 2001 and before)*
- *Other light pick up trucks were observed such as the Mazda and Mitsubishi pick trucks as well GMC Sierra, Dodge Ram but nothing that exceeds the 21' feet in length or 25' at the wheel base nor they exceed a turning radius of 41' feet from curb to curb.*

The incorporation of queuing lines into the project design provides the capacity of up to sixteen cars to be waiting in double line to be weighted. (Each queuing space described in exhibit "A-2" measures 10' by 21' which is consistent with the type of trucks used by the scrap collectors.

The incorporation of a traffic attendant as used in similar projects will guarantee a smooth circulation within the project. The traffic attendant will direct the vehicles waiting in the queuing line to proceed to get weighted and any other needed directional needs. The traffic attendant or flagmen area of work is identified as area 1 in Exhibit A-2.

Once a vehicle is weighted, the vehicle will proceed to the open stage area where up to four cars can be unloading their materials at the same time. Once the unloading is done the vehicles will be weighted again to determine the difference in weight. The traffic attendant will then direct the vehicles to park in customers' spaces 9-16 to complete their transaction. Once the customers park in this area they will be taking their weight slip to the office for payment and to submit the proper identification. Finally they will be leaving the project via the driveway along

89<sup>th</sup> Street. As recommended by the Department of Public Works, the fence will be lower to three feet on each side of the fence for the teen feet on each side to allow the drivers to have a better visibility of the traffic on 89<sup>th</sup> Street. A second fence will be place at least eight feet height behind this point to prevent the public from viewing the open stage area as required by the Department of Regional Planning.

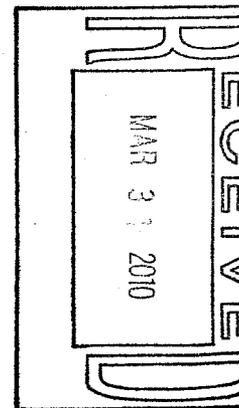
The average time per customer is estimated at thirty minutes to complete a full transaction. This includes waiting in line, obtaining their weight in, unloading the materials, obtaining their weight out and parking their vehicle in parking spaces 9-16 to obtain payment. The most sensitive component is the unloading part where eight to ten customers per every half hour can unload their materials. This number translates to sixteen to twenty customers per hour for a maximum capacity of 200 customers per day. The equipment needed to move the materials from the staging area to the containers are forklifts with special attachments, because of their size and efficiency. This project will not use excavators or bobcats as other bigger scrap metals use.

Alameda Materials expects that at this point in time about one hundred customers will use this portion of project every day during the first year. The project has the capacity to handle up to two hundred vehicles a day without causing any interference to the traffic on Alameda Street because of the incorporation of the queuing lines. If additional efficiencies are incorporated later into the project the average time to serve a customer can be decreased therefore incrementing the number of customer to be served. It is expected that whiting the first three years this project will be handling about 190 vehicles per day.

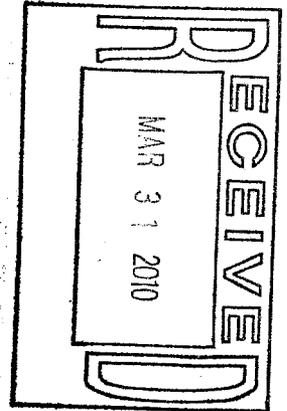
The third component of project and deals with the internal trucking circulation which is best described in exhibit "A-3". The trucks coming to deliver and pick up roll-off containers will be entering to the site via Alameda Street at the driveway closest to 89<sup>th</sup> street which is 30' wide. This width will allow for a full 90 degree turn that is needed for the roll-off trucks carrying the roll-off containers.

Roll-off containers are the preferred choice in the scrap metal industry because they are short and maneuverable in addition to provide wheels that facilitate rolling the containers in place. The more maneuverable the truck is the easier to get into containers tighter spots. The companies that provide these containers usually deliver these type of containers to commercial zones where the space is very limited. In this project they will have no problems delivering or picking up the containers because the open stage area is large enough to accommodate several trucks at the same time (over 13,000 square feet). Basic Fibers which is a leader in the industry of recycling was consulted regarding the type of trucks and containers used for this assesment.

Roll-Off containers will also be used for CRV materials. Roll off container sizes are determined by the amount of cubic yards they contain. Typical container sizes are 10 yard, 20 yard, 30 yard, and 40 yard. The type of containers used in this particular project will not exceed 24 feet in length for the CRV materials while the containers for scrap metal will not exceed 30 feet in length.



*The most popular type of trucks used by the scrap metal industry and as observed by Mid Cities Engineering at the headquarters of exporters and processors of scrap metals is:*



- *International trucks with an average length of 26 feet for the CRV materials and 36 for the extended scrap metal will used.*
- *The average height of these trucks is 11' and their average width is 8 feet the length of the various models varies from 29' to 39' maximum (the truck and the container). This picture was taken conventional parking spaces 9 feet wide.*

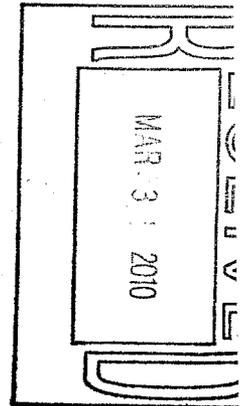
As stated by Alameda Recycling & Metals management, all of the trucks delivering and picking up the containers will come early in the morning to avoid any potential conflict with customers. Although the project has de capability to handle truck delivering at any time as described in exhibit A- and A-2 all truck servicing will be done before the site opens for business as suggested by the Department of Public Works. All the containers will be in place before the site opens at eight in the morning. All trucks will be entering the site from Alameda heading into the yard and then backing up into positions as indicated in schedule "A-3". Once the empty containers are rolled off the full containers will be loaded into the roll-off trucks. The trucks will exit via 89 Street which has a width of 50 feet which is enough to handle the turn of a roll-off truck.

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## EXISTING AND PROPOSED USES OF THE SITE

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The zone classification where the project is proposed is M-2 or Heavy Industrial Use zone and the General Plan for the area is also major industrial. The nature of the project "is compatible with surrounding industrial uses" as described in the staff report prepared by Daniel Fierros from Regional Planning for the October 6, 2009 hearing. The proposed site is vacant and it has not been in use since March 2009 when it the Clean Hands waiver was denied by the Department of Regional Planning. The property had two previous improvements as described in the Los Angeles County Assessor site that were built in 1942 and 1942. These improvements were removed before 1990 for a previous project that was never realized. At this time the only improvement on the property is the concrete slab that was part of the parking area and slab of the old industrial buildings.



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## EXISTING AND PROPOSED ROADWAYS AND INTERSECTIONS

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The site is located on the northwest corner of Alameda Street and 89<sup>th</sup> Street. The site has three driveways that provide direct access to Alameda and one driveway that provides access to 89<sup>th</sup> Street. The site is served by Alameda street which is a 75 feet wide four lane undivided highway with two lines in each direction. Two lines traveling north and two traveling south. The access from Alameda will typically occur from the south bound since the divided highway has a double solid line where left turns are not allowed. Each line is 11 feet wide plus a parking line adjacent to the property line that is also 11 feet wide. The sidewalk is also 11 feet wide and there is a required 3 feet set back for the required fencing and landscaping.

Since the most sensitive turns would be for the roll-off trucks turning at the 30 feet driveway along Alameda in a 90 degree angle. The required one quarter turning radius for roll-off trucks is (28') twenty eight feet which is also the required swept path<sup>3</sup>. The provided turning radius is 36 feet which is composed of 11 feet from line two and 11 feet from the parking line for a total of 22 feet in addition to the 11 feet from the width of the sidewalk plus three feet of the required landscaping. This distance is enough to offset the swept path and is also more than required twenty eight feet to complete a 90 degree angle turn required by most roll-off trucks.

The existing traffic data available from the Los Angeles Department of Public Works indicates that Alameda Street<sup>4</sup> handles an average of 32,800 vehicles a day which translates into 1,270 vehicles per hour northbound and 892 vehicles

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<sup>3</sup> Swept path is the amount of roadway that a truck requires to make a turn without hitting anything.

<sup>4</sup> These are the same numbers used by Urban Crossroads in their assessment prepared for this same project and are available from the Department of Public Works.

per hour southbound during the morning hours. The two directions are now operating a level of service C because Alameda has total capacity to handle 2,800 vehicles per hour. The afternoon peak hours indicate that the northbound lines handle 1,804 vehicles per hour while southbound lines carry 1,194 vehicles per hour. This is still a level of service C because the total capacity of Alameda is 2,800.

**TRIP GENERATION**

Based on the Institute of Transportation Engineers Trip Generation Manual eight edition, the closest classification found for recycling centers or scrap metal yards would be the manufacturing classification, which is listed under the industrial classifications of the table Trip Generation Rate (PM peak hour. This list provides a factor of 0.40 per each thousand square feet at peak morning hours and a factor of 0.37 for the pm peak hours. The result can be obtained with the following formula.

ITE factor x each 1,000 square feet = total number of trips per hour.

For this project the site size of 43,857 is expressed as 43.8

$0.40 \times 43.8 = 17$  trips per peak am hour or  $17 \times 5$  hours = 85 am trips.

$0.37 \times 43.8 = 16$  trips per peak pm hour or  $16 \times 5$  hours = 80 am trips.

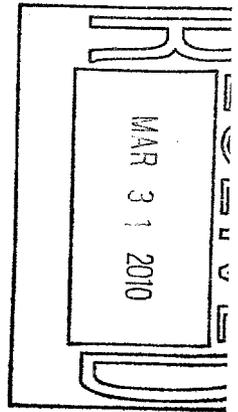
Total number of trips assuming only peaks hours = 165

Table 1.1 provides some examples of land use developments which would require a traffic impact analysis according to the thresholds recommended by ITE.

**Table 1.1 Threshold Levels**

Land Use	100 Peak Hour Trips	750 Daily Trips
Residential: Single Family	150 units	70 units
Apartments	245 units	120 units
Condos/Townhouses	295 units	120 units
Shopping Center	15,500 sq. ft.	2,700 sq. ft.
Fast Food Restaurant (GFA)	5,200 sq. ft.	1,200 sq. ft.
Hotel/Motel	250 rooms	90 rooms
General Office	55,000 sq. ft.	45,000 sq. ft.
Medical/Dental Office	37,000 sq. ft.	26,000 sq. ft.
Research & Development	85,000 sq. ft. or 4.5 acres	70,000 sq. ft. or 4 acres
Light Industrial	115,000 sq. ft. or 8 acres	115,000 sq. ft. or 11.5 acres
<b>Manufacturing</b>	<b>250,000 sq. ft.</b>	<b>195,000 sq. ft.</b>

The second column indicates the type of development that will generate 100 peak hour trips. The manufacturing land use was used for this project as well as the following formula to estimate the number of trips to be generated:



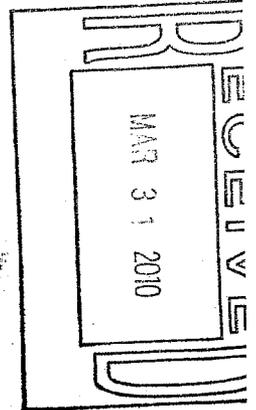
100 vehicles are generated by every 250,000 sq. ft. of development. This means that the Alameda Recycling will only produce only a proportion of the 100 trips because it is a smaller project. The result can be obtained by a rule of 3.

250,000 = 100 trips then 48,857 will produce 19 trips per peak hour or 190 trips per day assuming ten hours of operation at peak levels only.

The third column indicates the type of development that will generate 750 trips a day. Using again the manufacturing land use we can use a rule of three as follows: 195,000 = 750 daily trips then 48,857 will produce 187 trips a day which is also consistent with the number of trips estimated by using the factors provided by the ITE for the peak hours.

Generally, a comprehensive traffic analysis should be completed whenever a development is expected to generate 100 or more new inbound or outbound trips during the peak hours (ITE recommended practice). Developments containing about 150 single-family homes, 220 multi-family units, 55,000 square feet of general office space, 15,500 square foot shopping center or 250,000 square feet of manufacturing sites would be expected to generate this level of traffic and hence, require a complete traffic analysis.

The ITE trip generation manual is based on hundreds of trip generation surveys nationwide for a range of land use types. It is the most commonly accepted data source for trip generation rates in the United States. Generally, examining those numbers based on the peak-hour conditions are used in traffic assessments. An analysis of peak-hour conditions results in a more accurate identification of site traffic impacts.



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### RELATED PROJECT LIST

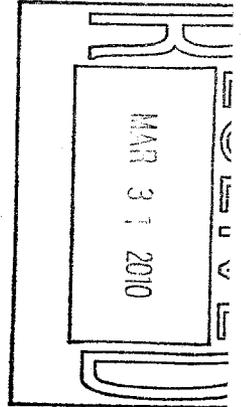
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There are five similar projects operating at this time in the vicinity of the project. They are generally larger scrap metal yards and or larger recycling centers.

1. Bestway Recycling, Inc is listed in the Department of Conservation as operating at 2268 East Firestone Boulevard in the un-incorporated County of Los Angeles jurisdiction. This project is almost two acres in size and according to the Department of Conservation it has been in operations since 1987. They buy different type of recycled materials such as plastic bags, cardboard and newspaper in addition to CRV materials. The observation taken at this location was during the late morning and reported a total of 25 vehicles bringing CRV materials. One roll-off containers was observed leaving this site during the one hour observation to queuing was observed at their entrance along 88<sup>th</sup> Street.
2. The second site observed was Sun-Lite materials which is located at 2210 East 85<sup>th</sup> Street in the un-incorporated County of Los Angeles

jurisdiction. This site has been in operation prior 2001 and acquired their Conditional Use permit to operate their scrap yard in 2008. This site is about one and half acres in size. They buy all type of scrap metals. The observation taken at this location was during mid morning and reported a total of 30 vehicles bringing scrap materials. One roll-off containers was observed leaving this site during the one half hour observation and no queuing was observed at their 85<sup>th</sup> street entrance.

3. The third site observed was SA Recycling which is located at 10401 Alameda Street in the in the City of Lynwood jurisdiction. No records were obtained about the type of entitlement they have from the city of Lynwood nor was any information found other that their registration with the Secretary of State to conduct business in California filed in 2007. This site is about four acres in size. They buy all type of scrap metals. The observation taken at this location was during mid morning and reported a total of 50 vehicles bringing scrap materials. Two containers were observed leaving this site during the one hour observation.
4. The fourth site observed was Atlas Metals which is located at 10019 South Alameda Street in the in the un-incorporated County of Los Angeles jurisdiction. According to the records found they have been in operation since the early 1990 and obtained their last Conditional Use Permit in 2005. This site is about three acres in size. They buy all type of scrap metals. The observation taken at this location was during mid morning and reported a total of 50 vehicles bringing scrap materials. One roll-off containers was observed leaving this site during the one hour observation.
5. The fifth site observed was Williams Recycling which is located at 2225 East 92<sup>nd</sup> Street in the in the un-incorporated County of Los Angeles jurisdiction. According to the records found at Regional Planning they have been in operation since 1980 and obtained their latest Conditional Use Permit in 1990. This site is about three acres in size. They buy all type of scrap metals. The observation taken at this location was during mid morning and reported a total of 40 vehicles bringing scrap materials. Two roll-off containers were observed leaving this site during the one hour observation.



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### ANALYSIS AND CONCLUSION

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Generally, a comprehensive traffic analysis should be completed whenever a development is expected to generate 100 or more new inbound or outbound trips during the peak hours (This is the ITE recommended practice). Developments containing about 150 single-family homes, 220 multi-family units, 55,000 square feet of general office space or a 15,500 square foot shopping center would be expected to generate this level of traffic and hence, require a complete traffic analysis. Manufacturing sites in excess of 195,000 square feet may also create this type of trip generation according ITE.

The ITE trip generation manual is based on hundreds of trip generation surveys nationwide for a range of land use types. It is the most commonly accepted data source for trip generation rates.

Based upon our review of the proposed project site plans and related exhibits it is clear that the design proposed by Alameda Recycling incorporates more than adequate mitigation measures that will prevent any potential negative impacts on the traffic patterns along Alameda Boulevard.

In addition, the proposed project will not generate a significant number of trips to alter the level of services along the south bound lines of Alameda Street and does not require a full traffic study according to the guidelines requirements<sup>5</sup> published by the County of Los Angeles Department of Public Works. The guidelines requirements mentioned in part II were observed to prepare this assessment.

The impact on the level of service must be of more than four percent in order to be considered significant. This is clearly stated in the guidelines requirements<sup>6</sup> published by the County of Los Angeles Department of Public Works part III, letter C number 5 or page 6.

This conclusion was based on the fact that Alameda Street is now handling 892 vehicles per hour in morning peak hours and 1,194 in the afternoon hours. The number of trips to be added by the project is 17 in the morning and 16 in the afternoon during the peak hours. The increase is less than 4 percent and therefore is not significant.

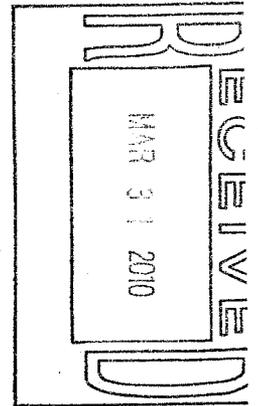
In addition there are a number of significant findings that support our conclusion and they are described below:

Number one there is no left turn alternative permitted for the vehicles traveling on north bound lines. The solid line dividing the highway indicated that no turns are permitted. Most users will be deterred of making a left turn from the northbound because this constitutes a traffic violation and the customers using this type of facility will generally be concerned of the monetary repercussions of getting a fine. No impacts to the northbound lines will occur or to the level of service of the northbound lines.

Secondly there is no possibility of making a left turn exiting the project as the exit of the project is located along 89<sup>th</sup> Street. If an accidental exit is done from Alameda the only alternative is a right turn because there is a double solid line. (A sign indicating "NO RIGHT TURN" may be necessary at the driveways along Alameda in case someone does not follow the directional arrows or the directions from the traffic attendants.

<sup>5</sup> The LA County Department of Public Work guidelines state in part II or Requirements that the report is generally needed if a project generates over 500 trips per day.

<sup>6</sup> The LA County Department of Public Work guidelines state in part II or Requirements that the reports are generally needed if a project generates over 500 trips per day.



Thirdly, the site configuration allows for large roll-off trucks to enter and leave the facility without having to back into the yard from Alameda Street. The scrap metal and CRV industries use the most appropriate equipment for their operations therefore this should not be a concern.

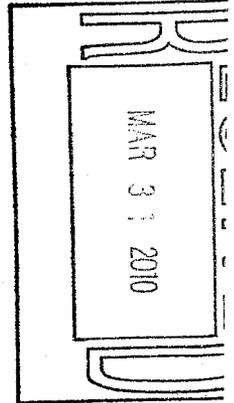
There is ample and adequate maneuvering space to load and unload the roll-offs containers into staging area of the project.

Fourth; the location of the truck scale provides for ample waiting area before any queuing affects the south bond lines of Alameda Street.

Fifth; the observation of the five project in proximity of the proposed site are consistent with the trip generation data provided by the Institute of Traffic Engineers and does not suggest the need for further analysis. According to this table provided above only projects 3, 4 and 5 may be close to requiring mitigations measures in the future.

Sixth, Mr. Diaz, estimates that his project will generate 190 vehicles for the scrap metal and 160 for the CRV with the high possibility that 30-40 percent of the times they will the same is valid and demonstrates his many years of experience in the recycling industry.

Finally, it can be stated that there will be no traffic impact on the transportation network in the community as a result of the proposed project and most specifically along Alameda Street. What will happen is that some of the trips that would have been traveling to the other five sites may switch their travel preference to the new site as when a new restaurant opens where there are existing eating venues. A traffic impact study is not necessary for this project. This recycling center is unlikely to generate significant traffic and generally does not need a traffic impact assessment.





County of Los Angeles  
**SHERIFF'S DEPARTMENT**  
Leroy D. Baca, Sheriff

**CARL MCCRAVEN**  
INVESTIGATOR

Major Crimes Bureau  
Metal Theft Detail  
11515 Colima Road, E 106  
Whittier, CA 90604  
(562) 946-7939 FAX (323) 415-4517  
Cell (562) 619-3991  
e-mail: [cbmccrav@lasd.org](mailto:cbmccrav@lasd.org)

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## METAL-THEFT PREVENTION NEW BUSINESS AND PROFESSIONS (B&P) CODE PROVISIONS

### Identification

*B&P Code §21606* – When purchasing junk (including scrap metals such as materials and equipment commonly used in agricultural operations—*B&P Code §21600*), junk dealers and recyclers must record:

- 1) The place and date of the purchase;
- 2) The seller's name and either:
  - a) Valid driver's license number and state of issue, or
  - b) California-issued identification card number;
- 3) The license number and state of issue of the delivery vehicle;
- 4) A description of the junk purchased, including its type, quantity, and any visible identification number; and
- 5) A statement indicating either:
  - a) That the seller of the junk owns it, or
  - b) The name of the person from whom the seller obtained the junk, as shown on a signed transfer document.

The junk dealer or recycler must report this information to the chief of police or sheriff by the first working day after the purchase.

*B&P Code §21608.5* – In addition to the above-required information, junk dealers and recyclers (excluding coin dealers and automobile dismantlers) purchasing copper, copper alloys, stainless steel, or aluminum (but not redeemable beverage containers) must obtain:

- 1) A clear photograph or video of the seller;
- 2) A clear photograph or video of the metal being purchased; and
- 3) The seller's thumbprint (which may be inspected or seized only by a peace officer with a criminal search warrant issued upon probable cause based upon a theft specifically involving the transaction for which the thumbprint was given).

Exceptions: None of those three items need be obtained under either of these circumstances:

- 1) The junk dealer or recycler, on the purchase date, either has on file or obtains:
  - a) The name, physical address, telephone number, and either business-license number or tax-identification number of the seller's business, and
  - b) A copy of the valid driver's license of the person delivering the metal.
- 2) Metal worth \$20 or less is being redeemed in a transaction whose primary purpose is the redemption of beverage containers.

*B&P Code §§21608 & 21608.5* – Junk dealers and recyclers must keep these records, including the photographs or videos and thumbprints, for at least two years.

## Inspection

*B&P Code §21606.5* – Junk dealers and recyclers must allow periodic inspection of their premises and purchase records by a peace officer with a search warrant or examination order or by a person appointed by the sheriff or police chief.

## Payment

*B&P Code §21608.5* – Junk dealers and recyclers must pay for copper, copper alloys, stainless steel, or aluminum (but not redeemable beverage containers) by cash or check, either of which may be collected by the seller on the third business day after the purchase date. Or, a check may be mailed to the seller at either the address shown on the seller's valid driver's license or ID card or another address. If the seller wants the check mailed to another address other than a post-office box, the seller must provide a gas- or electric-utility bill addressed to the seller at that other address with a payment due date no more than two months before the purchase date.

Exception: A junk dealer or recycler may immediately pay a seller with whom at least five separate transactions on at least five days per month were completed during any three-month period commencing after November 30, 2008. To remain eligible for immediate payments, the seller must continue to complete five or more separate transactions per month with the junk dealer or recycler.

## Liability

*B&P Code §21608* – Recordkeeping violations are misdemeanors. Knowing and willful violations of the recordkeeping provisions have these penalties:

- 1) First offense: A fine of at least \$1,000, or imprisonment in the county jail for at least 30 days, or both.
- 2) Second offense: A fine of at least \$2,000, or imprisonment in the county jail for at least 30 days, or both. The court may also order the defendant to stop engaging in business as a junk dealer or recycler for up to 30 days.
- 3) Third and subsequent offenses: A fine of at least \$4,000, or imprisonment in the county jail for at least six months, or both. The court must also order the defendant to stop engaging in business as a junk dealer or recycler for at least one year.

*B&P Code §21608.3* – The unauthorized disclosure of personal identification information collected from sellers is prohibited; a violator is liable for a civil fine of up to \$5,000.

*B&P Code §21609* – A person convicted for the theft of metal placed on a 90-day disposal hold by a peace officer shall be ordered by the court to:

- 1) Pay the junk dealer or recycler reasonable storage costs, and
- 2) Pay the victim for both the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

# Metal Theft Prevention

## New Business and Professions Code Requirements

**YES** Code §21606

**1** Are you buying scrap metals and alloys?

**NO**

**YES** Code §21606 (listed in #1)  
Code §21608.5  
Code §21608.5(a)(1)

**2** Are you buying copper, copper alloys, stainless steel, or aluminum (not redeemable beverage containers)?

**NO**

**3** Are you buying copper, copper alloys, stainless steel, or aluminum (not redeemable beverage containers) from someone whom you have bought from at least five times per month (on separate days) over the last three-month period?

**4** Are you buying copper, copper alloys, stainless steel, or aluminum (not redeemable beverage containers) from someone whose business information you have on file (name, physical business address, business telephone number, business license number or tax identification number, and copy of valid driver's license of person delivering the material)?

**5** Are you buying copper, copper alloys, stainless steel, or aluminum (not redeemable beverage containers) with a total value of \$20 or less as part of a transaction whose primary purpose is the redemption of beverage containers?

**YES** Code §21606 (listed in #1)  
**NO** Code §21608.5 (listed in #2)

**NO**

**YES** Code §21606 (listed in #1)

**NO**

**YES** Code §21606 (listed in #1)

**NO**

**If yes, follow Business and Professions Code §21606.**  
When purchasing scrap metal, junk dealers and recyclers must record:  
1) The place and date of the purchase;  
2) The seller's name and either:

- A. Valid driver's license number and state of issue, or
- B. California-issued identification card number;
- 3) The license number and state of issue of the delivery vehicle;
- 4) A description of the scrap metal purchased, including its type, quantity, and any visible identification number; and
- 5) A statement indicating either:
  - A. That the seller of the scrap metal owns it, or
  - B. The name of the person from whom the seller obtained the scrap metal, as shown on a signed transfer document. The junk dealer or recycler must report this information to the chief of police or sheriff by the first working day after the purchase.

Follow other applicable provisions of law governing the purchase.

**If yes, follow Business and Professions Code §21606 (listed in #1) And follow Business and Professions Code §21608.5**  
Junk dealers and recyclers must obtain:

- 1) A clear photograph or video of the seller,
  - 2) A clear photograph or video of the metal being purchased, and
  - 3) The seller's thumbprint (which may be inspected or seized only by a peace officer with a criminal search warrant issued upon probable cause based upon a theft specifically involving the transaction for which the thumbprint was given).
- And follow Business and Professions Code §21608.5(a)(1)**  
Junk dealers and recyclers must pay for these items by cash or check, either of which may be collected by the seller on the third business day after the purchase date. Or a check may be mailed to the seller at either the address shown on the seller's valid driver's license or ID card or another address. If the seller wants the check mailed to another address (other than a post-office box), the seller must provide a gas or electric utility bill addressed to the seller at that other address with a payment due date no more than two months before the purchase date.

Follow other applicable provisions of law governing the purchase.

**If yes, follow Business and Professions Code §21606 (listed in #1) And follow Business and Professions Code §21608.5 (listed in #2)**  
Note: There are no restrictions on payment methods or timing of payment for these purchases. However, seller must continue to complete five separate transactions per month to maintain this qualification.

Follow other applicable provisions of law governing the purchase.

**If yes, follow Business and Professions Code §21606 (listed in #1)**

Follow other applicable provisions of law governing the purchase.

**If yes, follow Business and Professions Code §21606 (listed in #1)**

Follow other applicable provisions of law governing the purchase.

# Scrap Metal Laws - Overview

## EXISTING LAWS – Business and Professions Code, 21600 et seq:

1. Keep Written Records of all sales / purchases.
2. Record place and date of each sale or purchase of “junk.”
3. Description of the item of “junk.”
4. Personal and vehicle information of the person:
  - a. Selling
  - b. Purchasing
  - c. Transporting

## Effective 12/01/2008, AB 844 Berryhill Bill, :

New law modifies Sections 21606, 21606.5, 21608, and 21609 of the California Business and Professions Code, while adding Sections 21608.3 (fines for third offense) and 21608.5 (new requirements.)

Basically, 21608.5 B&P adds the following:

1. Restrict payment for nonferrous material to;
  - a. Check, (mailed.)
  - b. Check or cash not provided no earlier than 3 days after the date of sale.
  - c. The dealer or recycler obtains a photograph or video of the seller, and certain other identifying information; thumbprint.
  - d. Prohibits a City, County, or City and county from adopting an ordinance related to “junk dealer” or “recycler” transactions involving nonferrous metal, except under specific circumstances.
2. This bill will also require the court to order the defendant to any victim for the value of the property stolen and ANY reasonable collateral damage caused in the commission of the theft.
3. Violations are crimes; misdemeanors.
4. Requires all recyclers to provide a report of the information required to Law Enforcement on a monthly basis.  
However, if there is an ongoing investigation, police may request a weekly report.

## 21600 B&P:

“Junk” means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any and all secondhand and used furniture, pallets or other personal property, other than livestock.

“Scrap metals and alloys,” includes, but not limited to, materials and equipment commonly used in construction, agriculture operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered to sale to any junk dealer or recycler...

21601 B&P:

“**Junk Dealer,**” includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carry on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

21602 B&P:

“**Junk Yard,**” includes any yard, plot, space, enclosure, building or any place where junk is collected, stored, gathered together and kept.

21605 B&P:

(a) Every junk dealer and every recycler in this state is hereby required to keep a written record of all sales and purchases made in the course of his or her business.

“**Recycler,**” means any processor, recycler center, or noncertified recycler...defined in Chapter 2 of the PRC (Public Resource Code,) who buys or sells scrap metal that constitutes “junk.”

21605 B&P:

(a) Every junk dealer and every recycler shall set out in the written record required by this article all of the following:

1. Place and Date of EACH sale or purchase of junk.
2. The name, valid driver's license number and state of issue or California-issued identification card number, and vehicle license number including state of issue of any motor vehicle used in transporting the junk to the junk dealer's place of business.
3. The name and address of each person to whom junk is sold.
4. A description of the item or items purchased or sold, including the item type and quantity, and ID number, if visible.
5. A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained it from, as shown on a signed transfer document.

(b) Any person who makes, or causes to be made, any false or fictitious statement regarding any information required by this section, is guilty of a misdemeanor.

21606.5 B&P:

Every junk dealer or recycler shall, during normal business hours, allow periodic inspections of any premises maintained and any junk thereon for the purposes of determining compliance...

21606 B&P:

(c) Requires all recyclers to provide a report of the information required to Law Enforcement on a ***monthly basis***. However, if there is an ***ongoing*** investigation, police may request a ***weekly report***.

21607 B&P:

Every junk dealer and recycler shall preserve the written record required by this article for at least two (2) years after making final entry...

21608 B&P:

Failure to comply; guilt of a misdemeanor.

21608.3 B&P:

Any unauthorized disclosure of personal ID information collected from a seller by a junk dealer or recycler is prohibited, and as such could be liable for a civil fine of up to \$5,000.

## New Legislation to Combat Metal Theft

Governor Arnold Schwarzenegger signed a package of bills providing law enforcement with new options to combat metal thieves. The theft of scrap metals from fire hydrants, utilities, manhole covers, agricultural equipment, guardrails and other public property has been on the rise in recent years due, in part, to the increase in market value of both copper and aluminum.

**AB 844**

- (1) requires recyclers to hold payment for three days,
- (2) check photo ID,
- (3) and take a thumbprint of anyone selling scrap metals.
- (4) AB 844 also requires anyone convicted of metal theft to pay restitution for the materials stolen.

**SB 691**

- (1) requires recyclers to take thumbprints of individuals selling copper, copper alloys, aluminum and stainless steel.
- (2)
  - (a) Sellers must also show ID
  - (B) and proof of their current address.

**SB 1859** discourages the theft of fire hydrant fittings and fire department connections by creating a fine not to exceed \$3,000 for any person who knowingly receives any part of a fire hydrant, including bronze or brass fittings and parts.

**SB 477** assists local law enforcement officials in investigating stolen metal and apprehending thieves by requiring scrap metal dealers and recyclers to report that materials are being scraped at their facilities and by whom on a daily basis.

**Business and Profession Code 21606.**

- (a) Every junk dealer and every recycler shall set out in the written record required by this article all of the following:
- (1) The place and date of each sale or purchase of junk made in the conduct of his or her business as a junk dealer or recycler.
  - (2) The name, valid driver's license number and state of issue or California-issued identification card number, and vehicle license number including the state of issue of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.
  - (3) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.
  - (4) A description of the item or items of junk purchased or sold, including the item type and quantity, and identification number, if visible.
  - (5) A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained it from, as shown on a signed transfer document.
- (b) A person who makes, or causes to be made, a false or fictitious statement regarding any information required by this section is guilty of a misdemeanor.
- (c) (1) Every junk dealer and every recycler shall report the information required under subdivision (a) to the chief of police, if the dealer's or recycler's business is located in a city, or to the sheriff, if the dealer's or recycler's business is located in an unincorporated part of a county, upon request of the chief of police or sheriff and on a monthly basis, except as provided in paragraph (2).
- (2) The chief of police or sheriff may request the report described in this section on a weekly basis if there is an ongoing investigation of the junk dealer or recycler concerning possible criminal activity. The chief of police or sheriff may request weekly reports for no more than a two-month period unless the investigation of the junk dealer or recycler continues and the chief of police or sheriff makes a subsequent request for weekly reports for an additional two-month period or part thereof.
- (d) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

**Business and Profession Code 21606.5.**

Every junk dealer or recycler shall, during normal business hours, allow periodic inspection of any premises maintained and any junk thereon for the purpose of determining compliance with the recordkeeping requirements of this article, and shall during those hours produce his or her records of sales and purchases, except as provided in subparagraph (A) of paragraph (3) of subdivision (a) of Section 21608.5, and all property purchased incident to those transactions which is in the possession of the junk dealer or recycler for inspection by any of the following persons:

- (a) An officer holding a warrant authorizing him or her to search for personal property.
- (b) A person appointed by the sheriff of a county or appointed by the head of the police department of a city.
- (c) An officer holding a court order directing him or her to examine the records or property.
- (d) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

**Business and Profession Code 21608.**

- (a) A junk dealer or recycler who fails in any respect to keep the written record required by this article, or to set out in that written record any matter required by this article to be set out therein, is guilty of a misdemeanor. Every junk dealer or recycler who refuses, upon demand pursuant to Section 21606.5, to exhibit the written record required by this article, or who destroys that record within two years after making the final entry of a purchase or sale of junk therein, is guilty of a misdemeanor.
- (b) Any knowing and willful violation of subdivision (a) shall be punishable as follows:
  - (1) For a first offense, by a fine of not less than one thousand dollars (\$1,000), or by Imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment.
  - (2) For a second offense, by a fine of not less than two thousand dollars (\$2,000), or by imprisonment in the county jail for not less than 30 days, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court may order the defendant to stop engaging in business as a junk dealer or recycler for a period not to exceed 30 days.

(3) For a third or any subsequent offense, by a fine of not less than four thousand dollars (\$4,000), or by imprisonment in the county jail for not less than six months, or by both that fine and imprisonment. In addition to any other sentence imposed pursuant to this paragraph, the court shall order the defendant to stop engaging in business as a junk dealer or recycler for not less than one year.

(c) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

**Business and Profession Code 21608.3.**

(a) Any unauthorized disclosure of personal identification information collected from a seller by a junk dealer or recycler is prohibited, and any such disclosure shall render the violator liable for a civil fine of up to five thousand dollars (\$5,000).

(b) This section shall become operative on December 1, 2008.

**Business and Profession Code 21608.5.**

(a) A junk dealer or recycler in this state shall not provide payment for nonferrous material unless, in addition to meeting the written record requirements of Sections 21605 and 21606, all of the following requirements are met:

(1) The payment for the material is made by cash or check. The check may be mailed to the seller at the address provided pursuant to paragraph (3) or the check or cash may be collected by the seller from the junk dealer or recycler on the third business day after the date of sale.

(2) At the time of sale, the junk dealer or recycler obtains a clear photograph or video of the seller.

(3) (A) Except as provided in subparagraph (B), the junk dealer or recycler obtains a copy of the valid driver's license of the seller containing a photograph and an address of the seller or a copy of a state or federal government issued identification card containing a photograph and an address of the seller.

(B) If the seller prefers to have the check for the material mailed to an alternative address, other than a post office box, the junk dealer or recycler shall obtain a copy of a driver's license or identification card

described in subparagraph (A) and a gas or electric utility bill addressed to the seller at that alternative address with a payment due date no more than two months prior to the date of sale. For purposes of this paragraph, "alternative address" means an address that is different from the address appearing on the seller's driver's license or identification card.

- (4) The junk dealer or recycler obtains a clear photograph or video of the nonferrous material being purchased.
  - (5) The junk dealer or recycler shall preserve the information obtained pursuant to this paragraph for a period of two years after the date of sale.
  - (6)
    - (A) The junk dealer or recycler obtains a thumbprint of the seller, as prescribed by the Department of Justice. The junk dealer or recycler shall keep this thumbprint with the information obtained under this subdivision and shall preserve the thumbprint in either hard copy or electronic format for a period of two years after the date of sale.
    - (B) Inspection or seizure of the thumbprint shall only be performed by a peace officer acting within the scope of his or her authority in response to a criminal search warrant signed by a magistrate and served on the junk dealer or recycler by the peace officer. Probable cause for the issuance of that warrant must be based upon a theft specifically involving the transaction for which the thumbprint was given.
- (b) Paragraph (1) of subdivision (a) shall not apply if, during any three-month period commencing on or after the effective date of this section, the junk dealer or recycler completes five or more separate transactions per month, on five or more separate days per month, with the seller and, in order for paragraph (1) of subdivision (a) to continue to be inapplicable, the seller must continue to complete five or more separate transactions per month with the junk dealer or recycler.
- (c) This section shall not apply if, on the date of sale, the junk dealer or recycler has on file or receives all of the following information:
- (1) The name, physical business address, and business telephone number of the seller's business.
  - (2) The business license number or tax identification number of the seller's business.

- (3) A copy of the valid driver's license of the person delivering the nonferrous material on behalf of the seller to the junk dealer or the recycler.
- (d) This section shall not apply to the redemption of nonferrous material having a value of not more than twenty dollars (\$20) in a single transaction when the primary purpose of the transaction is the redemption of beverage containers under the California Beverage Container Recycling and Litter Reduction Act, as set forth in Division 12.1 (commencing with Section 14500) of the Public Resources Code.
- (e) This section shall not apply to coin dealers or to automobile dismantlers, as defined in Section 220 of the Vehicle Code.
- (f) For the purposes of this section, "nonferrous material" means copper, copper alloys, stainless steel, or aluminum, but does not include beverage containers, as defined in Section 14505 of the Public Resources Code, that are subject to a redemption payment pursuant to Section 14560 of the Public Resources Code.
- (g) This section is intended to occupy the entire field of law related to junk dealer or recycler transactions involving nonferrous material. However, a city or county ordinance, or a city and county ordinance, relating to the subject matter of this section is not in conflict with this section if the ordinance is passed by a two-thirds vote and it can be demonstrated by clear and convincing evidence that the ordinance is both necessary and addresses a unique problem within and specific to the jurisdiction of the ordinance that cannot effectively be addressed under this section.
- (h) This section shall become operative on December 1, 2008.

**Business and Profession Code 21609.**

- (a) Whenever a peace officer has probable cause to believe that property in the possession of a junk dealer or recycler is stolen, in lieu of seizing the property, the peace officer as defined in subdivision (b) of Section 21606.5, at his or her option, may place a hold on the property for a period not to exceed 90 days. When a peace officer places a hold on the property, the peace officer shall give the junk dealer or recycler a written notice at the time the hold is placed, describing the item or items to be held plus the case number. During that period the junk dealer or recycler shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by a peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member. Except as specifically set forth in this section, a junk dealer or recycler shall not be subject to civil liability for compliance with this section.
- (b) Whenever property that is in the possession of a junk dealer or recycler is subject to a hold

and the property is required by a peace officer in a criminal investigation, the junk dealer or recycler, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to any peace officer upon the request of any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member.

- (c) Whenever property that is in the possession of a junk dealer or recycler is subject to a hold and the property is no longer required for the purpose of criminal investigation, the law enforcement agency that placed the hold on the property shall undertake the following:
- (1) With respect to the property being held, if the law enforcement agency has no knowledge of the property on hold being reported as stolen, the property shall be released upon written notice to the junk dealer or recycler. The notice shall be provided in a timely fashion.
  - (2) If the law enforcement agency has knowledge that the property has been reported stolen, the law enforcement agency shall notify the person who reported the stolen property of the name and address of the junk dealer or recycler holding the property and authorize the release of the property to that person. The law enforcement agency that placed the property on hold shall release the hold after 60 days has elapsed following the delivery of the notice to the person who reported the property stolen.
  - (3) If a victim seeks to recover property that is subject to a hold, the junk dealer or recycler shall advise the victim of the name and badge number of the peace officer who placed the hold on the property and the name of the law enforcement agency of which the officer is a member. If the property is not required to be held pursuant to a criminal prosecution the hold shall be released.
- (d) Upon conviction of a person for the theft of property placed on hold pursuant to this section, the court shall order the defendant to do both of the following:
- (1) Pay the junk dealer or recycler reasonable costs for the storage of the property.
  - (2) Pay the victim for both the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.
- (e) The amendments to this section made by the act adding this subdivision shall become operative on December 1, 2008.

**Penal Code 496a.:**

- (a) Every person who, being a dealer in or collector of junk, metals or secondhand materials, or the agent, employee, or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, mercury, iron or brass which he knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property, and is punishable, by imprisonment in a state prison, or in a county jail for not more than one year, or by a fine of not more than two hundred fifty dollars (\$250), or by both such fine and imprisonment.
- (b) Any person buying or receiving material pursuant to subdivision (a) shall obtain evidence of his identity from the seller including, but not limited to, such person's full name, signature, address, driver's license number, vehicle license number, and the license number of the vehicle delivering the material. The record of the transaction shall include an appropriate description of the material purchased and such record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

**Penal Code 496e.**

Any person who buys or receives, for purposes of salvage, any part of a fire hydrant or fire department connection, including, but not limited to, bronze or brass fittings and parts, that has been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than three thousand dollars (\$3,000).

## Fierros, Daniel

---

**From:** Steve Lewis [stevelewis@pacbell.net]  
**Sent:** Wednesday, October 07, 2009 10:53 AM  
**To:** Fierros, Daniel  
**Cc:** stevelewis@pacbell.net  
**Subject:** Public Hearing 10/6/09

To: Daniel Fierros  
Senior Regional Planning Assistant

From: Steven Lewis  
Property Owner  
2241 East 89<sup>th</sup> Street

Re: Public Hearing  
**R20008-01463-(2)**

I must admit it was a very enlightening experience yesterday when the above project was open for Public Comment. I never realized how just a few "citizens", who happen to own businesses who compete directly with the applicant (Alameda Recycling & Metals) would be able to influence public policy. I now know.

As I am certain you are aware, the applicant is a very small business and has been attempting for more than one year now to comply with all the rules, regulations and roadblocks that have been thrown his way. The financial burdens that have been placed upon him, some due to his own fault, others due to delays within "the system" have been monumental. However, he is still trying to prevail. After watching the "slaughter" that took place yesterday at the Public Hearing, I have decided to assist Alameda Recycling & Metals.

I have arranged to have the Security trailer removed and stored at a vehicle storage facility. I have also recommended for my tenant to procure additional professional assistance when he returns for his next hearing on 11/17/09 and to assist him with that, I have forgiven his rent for October and November 2009. If there is anything you believe I can do to assist this CUP to go through, I would appreciate it if you could let me know. My office number: 310-315-1300 ext. 117 or you can just reply using this e mail account.

To me, it is not correct for direct "competition" to try to stack the deck against this applicant. And as I am certain you are also aware, this does financially impact me.

Thank you for your time and attention,

Steven Lewis

## Fierros, Daniel

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**From:** mona [mona@williamssoftware.com]  
**Sent:** Monday, February 15, 2010 11:49 AM  
**To:** Fierros, Daniel  
**Subject:** Re: 89th St. CUP R2008-008-01463  
**Attachments:** 89th Street letter.zip; carforoutine.pdf

Hi Daniel:

This letter was sent to you on December 29th but I don't see it in the package on line to the hearing officer. I am including it again for tomorrow's hearing, Feb16th.

Thanks,  
Mona Howerton  
714.269.2519

-----Original Message-----

**From:** Fierros, Daniel [mailto:DFierros@planning.lacounty.gov]  
**Sent:** Thursday, February 11, 2010 4:33 PM  
**To:** mona@williamssoftware.com  
**Subject:** RE: Emailing: 1

No...

-----Original Message-----

**From:** mona [mailto:mona@williamssoftware.com]  
**Sent:** Thursday, February 11, 2010 3:43 PM  
**To:** Fierros, Daniel  
**Subject:** RE: Emailing: 1

Hi Daniel:

Thanks for the plan. Did they include any type of narrative of what they will be doing? I notice they did a traffic flow without any areas for prepping, staging, etc. It looks like a parking lot.

Thanks,  
Mona

State of California

Pete Wilson  
Governor

Peter M. Rooney  
Secretary for Environmental Protection  
California Environmental Protection Agency

California Integrated Waste Management Board

Daniel G. Pennington  
Chairman

Robert C. Frazee  
Vice Chairman

Wesley Chesbro

Steven Jones

Dan Eaton

John J. Amodio



Ralph E. Chandler  
Executive Director

DISCLAIMER

The California Integrated Waste Management Board (Board), with assistance from the Metallic Discards Task Force, has compiled this guide to assist appliance recyclers in complying with the requirements of Assembly Bill 1760 of 1991 (Chapter 3.5, Statutes of 1994, now codified as Public Resources Code §42160 *et seq.*). The information contained herein does not necessarily represent the views of the Board or its employees. This guide contains information that may be useful to those wishing to get an overview of appliance recycling, specifically the processing of special materials contained within appliances. In providing this information, the Board makes no recommendation that any particular process is appropriate for any particular appliance recycler. Prior to using one or more of these processes, an appliance recycler should consult with a qualified professional(s) who can evaluate his or her specific situation. Since this guide cannot address individual situations, the Board makes no warranty, express or implied, and assumes no liability for the information contained in the succeeding text.

California Integrated Waste Management Board

Sacramento, CA 95826

Publication #500-94-022  
Printed on Recycled Paper

## Appliance Recycling Guide

### **1.0 Introduction**

### **2.0 Refrigerants**

- 2.1 Discards Containing Refrigerants**
- 2.2 How to Identify Type of Refrigerant**
- 2.3 Refrigerant Extraction Methods**
- 2.4 Hazards / Safety Precautions**
- 2.5 Management**

### **3.0 Polychlorinated Biphenyls**

- 3.1 How to Identify a Capacitor / Ballast**
- 3.2 Physical Characteristics / Location**
- 3.3 Does it contain PCBs?**
- 3.4 Capacitor / Ballast Removal Methods**
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### **4.0 Oils / Lubricants**

- 4.1 Lubricant Extraction Methods**
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### **5.0 Mercury**

- 5.1 Discards Containing Mercury**
- 5.2 Mercury Component Removal Methods**
- 5.3 Hazards / Safety Precautions**
- 5.4 Management**

### **References**

### **Appendices**

- A. Material Safety Data Sheets**
- B. HESIS Fact Sheets**
- C. DTSC Fact Sheets**
- D. Equipment Suppliers and Special Material Recyclers**
- E. Department of Toxic Substances Control Regional Offices**

# Appliance Recycling Guide

## 1.0 Introduction

In 1991, about 3.4 million appliances (536,000,000 pounds) were discarded in California. Included were refrigerators, freezers, clothes dryers, washing machines, dishwashers, microwave ovens, ranges/ovens, furnaces, hot water heaters, and air conditioners.

The California Legislature determined that major appliances and other large metallic discards in solid waste landfills needlessly uses scarce landfill capacity and that these items can be effectively separated from the waste stream and recycled. On January 1, 1994, a new law took effect in which the objective was to divert appliances and other large metallic discards from disposal and to recycle these items in an environmentally sound and safe manner. A primary provision of this law is the requirement to remove special materials from major appliances and other large metallic discards prior to crushing the discard for transport or transferring to a baler or shredder for recycling.

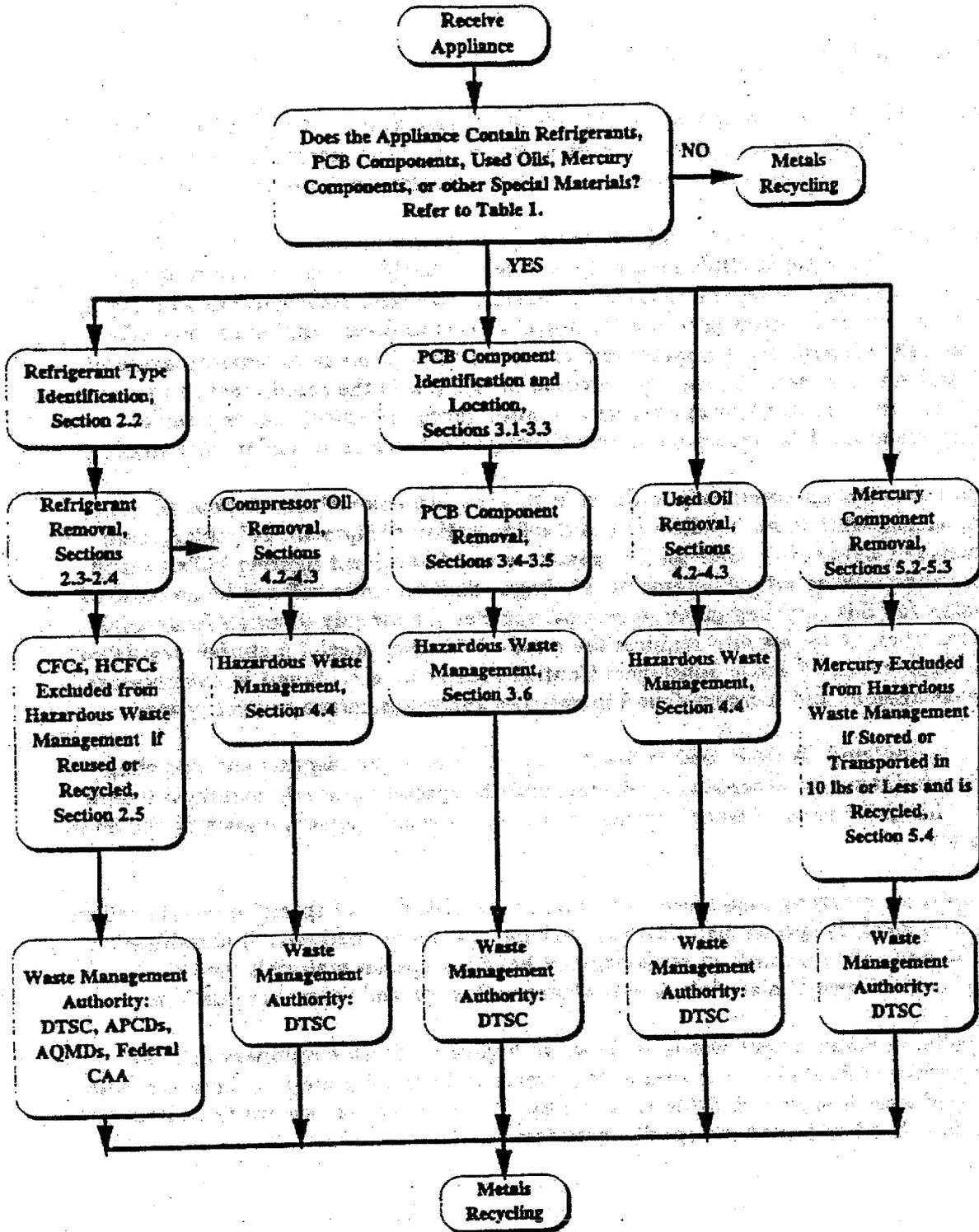
The special materials specifically outlined in this law are chlorofluorocarbons (CFCs) used as refrigerants in air conditioning and refrigeration equipment, polychlorinated biphenyls (PCBs) used in some motor capacitors and fluorescent lighting ballasts, and sodium azide used to inflate automobile air bags. Sodium azide will not be an issue of discussion for this recycling guide since most vehicles are already diverted from solid waste facilities. This law also requires the removal of other special materials regulated by the Department of Toxic Substances Control such as used oil found in compressors and transmissions and mercury found in switches and temperature control systems.

This recycling guide is developed to assist those persons in the disposal and recycling sectors who intend on processing appliances and the special materials contained within them. This guide is not intended for use by the home repair person, known as the do-it yourselfer.

The appliance recycling guide focuses on the; 1) identification of special materials which require removal, 2) special materials removal and extraction methods, 3) identification of health and safety hazards in removing and handling special materials, and 4) management of special materials in accordance with state and federal regulations.

The appliance management system is shown in Figure 1. Section numbers refer to sections within this guide. A matrix of appliances and special materials contained within these appliances is shown in Table 1. These appliances are either known to contain or have a likelihood of containing special materials.

**Figure 1  
Appliance Management System**



DTSC - Department of Toxic Substances Control  
 APCDs - Air Pollution Control Districts  
 AQMDs - Air Quality Management Districts  
 CAA - Clean Air Act

**Table 1**  
**Special Materials Matrix**

	Refrigerants							PCB Capacitor / Ballasts*	Lubricant Oil	Mercury Switches
	CFC-12	CFC-114	HCFC-22	SO2	NH3	CFC-500	CFC-502			
Discard Refrigerator	X	X		X	X				X	
Freezer	X				X				X	
Window A/C			X			X	X	X		
Central A/C			X				X	X		
Dehumidifier	X					X			X	
Microwave								X		
Clothes Washer									X	X
Fluorescent Lighting								X		
Gas Stoves										X
Water Heaters										X

\* Pre 1979 appliances with a significant likelihood of containing PCB capacitors or ballasts  
There have been suggestions that some refrigerators and freezers contain PCB capacitors.

**Fierros, Daniel**

---

**From:** Robert Ciaccio [robert.ciaccio@yahoo.com]  
**Sent:** Wednesday, December 30, 2009 10:36 AM  
**To:** rcruz@dpw.lacounty.gov; Fierros, Daniel; Chung, Phil  
**Subject:** R200801463-2  
**Attachments:** 89th Street letter[1].pdf; carforoutine[1].pdf

Gentlemen:

For your review and submission to the Board, attached please find a letter from Mr. Williams and portions from an industries operations manual, the remained of which can be obtained online. The hearing is scheduled for next week, project number R200801463-2.

Robert David Ciaccio

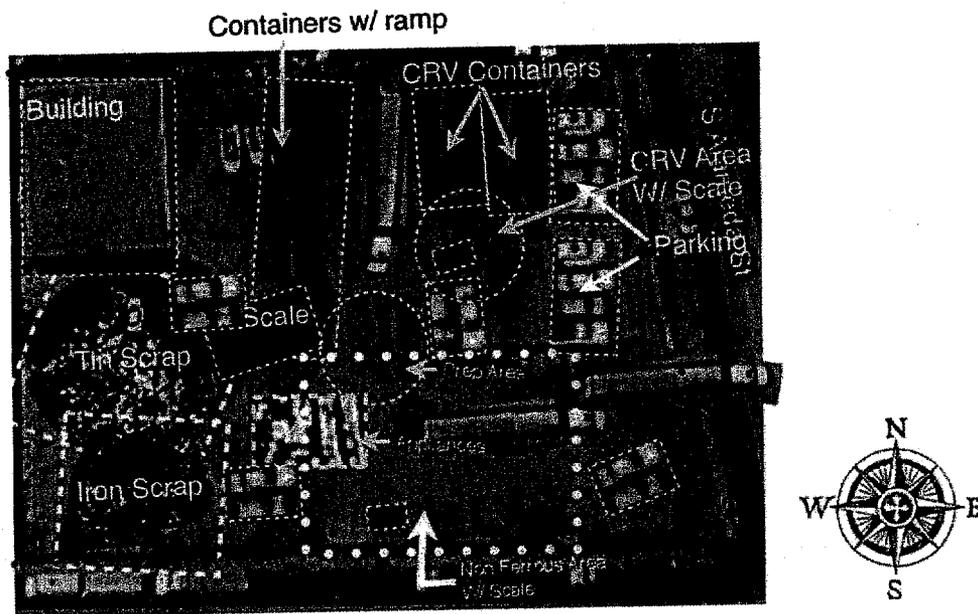
LAW OFFICES OF ROBERT DAVID CIACCIO  
City National Bank Building  
3424 Carson Street, Suite 500  
Torrance, CA 90503

(310) 214-1477 Ext: 109  
(310) 214-0764 Fax

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(metals) material immediately west of the parking area without an area to sort or process purchased material. Weighing steel on the 30' scale is shown in the SE portion of the facility and would require the purchased ferrous (steel) material to dump somewhere in the yard for sort, processing and loading. Additionally, the weighing of larger trucks would require extra room for axel weighing. An area for handling appliance scrap has not been identified on the plot plan. Appliances require special handling (see Addendum 1) and permitting.

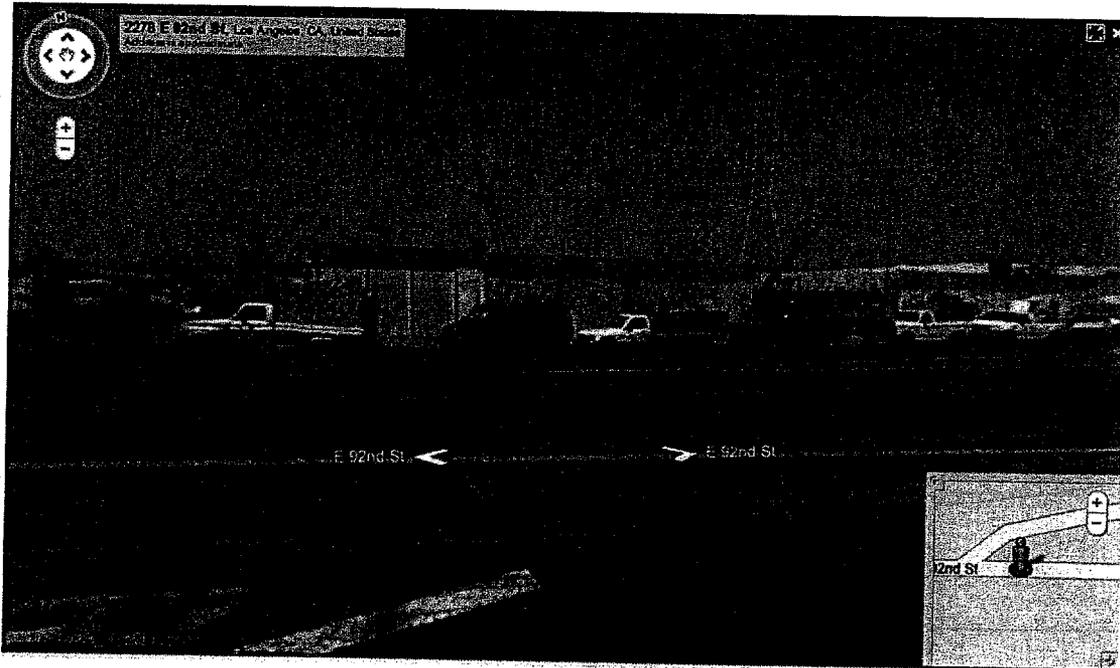


**Figure 2**

Figure 1 above is a well laid out facility if there were only seven inventory items (Labeled Containers - Figure 1) without the necessity to process and load. The minimum number of inventory items for the CRV recycling program is ten (see Addendum 2). The north fence area in Figure 2 shows a more realistic placement of containers with a loading ramp and attached semi-truck. The small scale next to employee parking needs a staging area for CRV and non-ferrous purchases. Non-ferrous purchasing at a minimum requires storage space (Containers) for 25 inventory items (see Addendum 3). The southern fence area of Figure 2 is the area we assigned for non-ferrous handling.

Ferrous (Steel) handling requires the most storage and processing area. The applicant in testimony said that they would not have large material handling equipment (ie: excavators). There is absolutely no other way to handle scrap steel without large handling and processing equipment. In fact, the applicant used an excavator to clear steel inventories when the District Attorney finally closed the facility.

Figure 2 demonstrates the area required (West wall – two storage piles) to store less than one day's purchases of scrap steel. It's assumed to be an average small buying yard. The aerial view does not show an unprepared scrap steel pile, which would require more open yard area. The applicant was receiving appliance scrap when open and should have complied with the CAR (see Addendum 1) regulations. This also requires open yard processing, storage and loading area.



**Figure 3**

See Figure 3 for unhandled traffic.

In conclusion, the lot size is not suitable for the proposed use. The applicant's plan lacks sufficiency in detail and description. The lack of open space precludes the applicant from handling traffic within the facility; clearly, the yard size does not have room for traffic. Steel bookings require a minimum of five containers per booking. The container and ramp area require 70+ feet of space, which is not labeled in the plot plan. Alternatively, the applicant would have to add another ten or more containers in the yard for steel handling and twice the yard area to handle only the steel scrap. Traffic will back up on the Alameda Street Corridor. Testimony of the opponents at the November 17-09 hearing regarding traffic and other issues was consistent. Scrap yard operators identified the small area as a problem. Observers and law enforcement had the same comments.

**This project as proposed will create a number of issues directly related to land use and should be evaluated objectively. This applicant and landowner should submit a plan that will enhance the land's use and not obstruct the Alameda Street Corridor.**

Sincerely,

Greg Williams

**Addendum 1**

See Attached Document

## **Addendum 2**

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY Division of Recycling

- a. CRV handling requires many inventory items (State Required). This requires many containers and/or large yard area for sorting.
  - i. Cans
    - 1. Bi-metal
  - ii. Glass
  - iii. Plastics (reference Chapter 2 page 72 CA Beverage Act)
    - 1. PETE (polyethylene terephthalate)
    - 2. HDPE (high density polyethylene)
    - 3. V (vinyl)
    - 4. LDPE (low density polyethylene)
    - 5. PP (polypropylene)
    - 6. PS (polystyrene)
    - 7. OTHER (includes multilayer)

Addendum 3

DESCRIPTION
#1 Bright & Shiny Copper
#1 Burned Wire / Tubing
#2 Copper Tubing & Wire
Red Brass / Foundry
Yellow Brass / Rod Borings, Cln & Dry / 70-30 Brass
Auto Rads / Dirty
Cast Alum / 95% Recovery. Heads / Mill
Clean Wheels Loose / Dirty-Chrome / Mill
PTD / Mill Clean
MLC Export Quality / FAS/ Mill
EC / 6063 / Cln 63 Mill
Ptd 6063/ Ptd 63 (95%) / FAS
5052 / Mill
6061 Clips - Solids / Mill /Extrusion / Mill
Alum CU Rads / Contam / FAS / Mill Loose
Litho Sheet
CRV UBC -Loose / Baled / FOB Baled
High Grade Borings / Mixed
Cont. Al Sheet 70%/ Cont. Cast 60% Recov.
Stainless Unp (Baleable) / Mill-Prep / FOB-FAS
316 Stainless / Mill-Prep / FOB-FAS
#1 Ins. Wire 70% Recov.
#2 Ins. Wire 50% Recov.
#3 Ins. Wire 35% Recov.
ACSR 67% Recov. / Alum. Ins. Wire 60%
Cln. Lead Scrap / Wheel Wts. (+6¢ DEL. MILL)

**3-Month Comex Copper (MAR)**

**LME Aluminum - 3 Month**

**LME Nickel - 3 Month**



**Williams Recycling**  
2225 East 92nd Street  
Los Angeles, CA 90002  
☎ 323.564.9969  
FAX 323.564.9011  
[www.williamsrecycling.com](http://www.williamsrecycling.com)

Department of Regional Planning  
320 West Temple St.  
Los Angeles, Ca 90012  
Attn: Daniel Fierros  
Re. 2241 E. 89<sup>th</sup> Street Project #R2008-01463

11/5/2009

I own a business near the proposed site on Alameda St. and have seen the facility in operation for approximately a year prior to it being forced to shut down back in April. The site did not show that it was able support the inflow/outflow of business and caused congestion on Alameda St. As a business owner, I am concerned that this business will be a detriment to the safety of those utilizing the Alameda corridor, including my employees. While this facility was in active operation, I personally witnessed traffic being held up, creating multiple traffic hazards. The facility is simply too small to accommodate the type of business the applicant would like to conduct according to their application.

Sincerely,

Natalie Squires  
Williams Recycling

NOV 10 2009

Gary Weisenberg  
10019 S. Alameda St.  
Los Angeles, Ca 90002

October 29, 2009

Department of Regional Planning

320 W. Temple Street

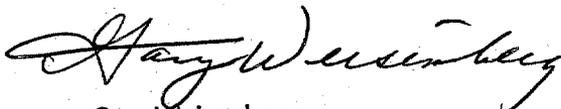
Los Angeles, Ca 90012

Attn: Daniel Fierros

Re; 2241 E. 89<sup>th</sup> St Project #R2008-01463

I am the owner of a business on Alameda Street located not far from the above mentioned project. I have observed this scrap operation while they were operating illegally for close to a year as I drove up and down Alameda Street. The traffic congestion caused by the trucks and cars trying to get into this small facility should not be allowed to continue. I have personally observed a line of these trucks and cars blocking traffic on Alameda Street as they take up one lane of what is only a two lane road in each direction and causing traffic congestion that will eventually lead to accidents. Granting a Conditional Use Permit to this business is not in the best interest of the County or the businesses located in the area. Therefore, I am opposed to the granting of a CUP for this business and I ask that you not grant this permit.

Sincerely,

  
Gary Weisenberg

NOV - 4 2009

Department of Regional Planning  
320 W. Temple St.  
Los Angeles, Ca 90012

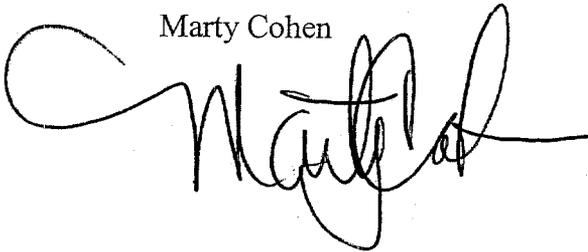
11/01/2009

Attn. Daniel Fierros  
Re. 241 E. 89<sup>th</sup> St. Project #R2008-01463

I am a local Alameda St. business owner/operator and have sold a countless amount of scrap throughout our 60 years in operation. The prospective scrap yard will add nothing to the local community, as there are plenty of law compliant yards that facilitate competitive pricing. We need to makes sure any business being approved follow LA County rules and regulations, and respects the local authority. In addition, the traffic has become a concern. The speed limit on Alameda is 40 MPH and when trucks are backing in and out of the business stopping traffic, the drivers on Alameda are in danger of swerving into oncoming lanes. This should not be approved.

Sincerely,

Marty Cohen

A handwritten signature in black ink, appearing to read 'Marty Cohen', written in a cursive style.

NOV - 9 2009

# VICTORY SALVAGE INCORPORATED



Ph: (323) 581-7272  
Fax: (323) 581-7468

GOVERNMENT AND INDUSTRIAL SURPLUS

8211 SO. ALAMEDA ST. • LOS ANGELES, CALIF. 90001

Department of Regional Planning  
320 W. Temple Street  
Los Angeles, Ca 90012

11/01/2009

Attn. Daniel Fierros  
Re. 241 E. 89<sup>th</sup> St. Project #R2008-01463

The proposed site has caused a disruption to the neighborhood. As a legal business owner on Alameda St., it is my mission to make sure that all businesses trying to open follow the same stringent guidelines and regulations that the rest of us law abiding businesses follow. We do not want these renegade businesses to ruin our reputation. In addition the property does not appear to be large enough to operate a scrap yard. Metal yards require a larger amount of space in order to support the number of trucks loading and off loading during any given period. This application does not bring anything to benefit the area.

Sincerely,

Lloyd Weinstein

All Material  
Offered Subject  
to Prior Sale

LAW OFFICES OF

**Robert David Ciaccio**

also Admitted in New York

CITY NATIONAL BANK BUILDING  
3424 CARSON STREET, SUITE 500  
TORRANCE, CALIFORNIA 90503-5701

(310) 214-1477 Ext: 109

FAX (310) 214-0764

Email: rdc@robertdciacciolaw.com

October 28, 2009

Our File No.10005.01

City of Los Angeles  
Department of Regional Planning  
Attn: Daniel Fierros  
320 W. Temple Street, Room 1346  
Los Angeles, CA 90012

Re: CUP Application No.R2008-01463

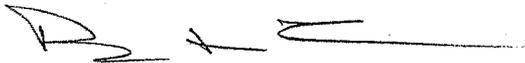
Dear Mr. Fierros:

Pursuant to our conversation of earlier this day, I am forwarding to your attention a traffic assessment for the proposed CUP referenced above submitted by Williams Recycling, Inc. who opposes the project. The concerns involve the undisputed traffic which will ensue if the project proceeds, as well as, the parking. The report was prepared by Urban Crossroads, Inc., Carlton Waters, Professional Engineer.

It is requested that you please forward a copy to Ruben Cruz at the Department of Public Works Land Development Division.

Very truly yours,

**LAW OFFICES OF ROBERT DAVID CIACCIO**



Robert David Ciaccio

RDC/djn

NOV - 2 2009



October 26, 2009

Mr. Greg Williams  
WILLIAMS RECYCLING  
2225 East 92<sup>nd</sup> Street  
Los Angeles, CA 90002

**Subject: Alameda Street at 89th Street Site Assessment**

Dear Mr. Williams:

Urban Crossroads, Inc. is pleased to submit this traffic assessment for the potential Alameda Street at 89<sup>th</sup> Street recycling facility project site. The site is generally located west of Alameda Street and north of 89<sup>th</sup> Street in the County of Los Angeles. This letter presents our understanding of the proposed project / on-site activities and provides a brief evaluation of potential operational issues related to the project access to the adjacent roadway system (Alameda Street), on-site queuing, and on-site circulation.

### **PROJECT DESCRIPTION**

The project description includes both the physical project site and our understanding of anticipated project (on-site) operations.

### **Site Description**

The proposed site per the conditional use permit (CUP) application is located on the northwest corner of the intersection of Alameda Street and 89<sup>th</sup> Street. The site plan (included in Attachment A) submitted as part of the CUP application has been reviewed by Urban Crossroads, Inc., staff. The CP application site plan has been compared with aerial views of the project site (also in Attachment A). The alignment of the east boundary of the site plan does not reflect the current alignment of Alameda Street. Urban Crossroads, Inc. has combined the site boundary from the aerial photograph with the site plan provided with the CUP application to develop a more accurate representation of the project site layout.

Exhibit A shows the resulting "synthesized" project site plan. The truck scale shown on the site plan is approximately 47 feet from the fence around the site perimeter. A total of 12 (useable) parking spaces are shown on the site plan. One additional parking space shown on the site plan included with the CUP application is no longer functional, based upon that actual alignment of Alameda Street. Alameda Street adjacent to the project site consists of a four lane undivided roadway with two through lanes in each direction. Parking is allowed along the project frontage. Each travel lane is approximately 11 feet wide, with an additional 11 feet available for parking activities along the west side of the street (adjacent to the proposed project site). Alameda Street is designated as a Secondary Highway adjacent to the project site.

### **Operations Description**

Based on the site plan, and using information provided by management from a number of similar operations (included in Attachment B), an expected project operations description has been developed and will be used in later sections of this letter report to evaluate potential circulation issues. This description assumes an automated process, with efficiencies built in where possible. All of the site driveways provide access directly to Alameda Street. The description includes a general description of typical scrap metal salvage operations and the types of trucks and equipment that are required to process and transport these types of materials.

Based upon review of the site plan included with the conditional use permit (CUP) application, the northeasterly gated area is expected to serve primarily CRV recycling. Access to this area is provided by two 19.5 foot driveways. The majority of the vehicles entering and exiting this area will be automobiles and small (double-axle) trucks. It is expected that up to approximately 300 vehicles per day may interact with the CRV portion of the site. Larger trucks (approximately 40-60 feet long) are expected to access this area to remove the CRV material.

The scrap metal recycling portion of the site takes access from the southernmost driveway. Customer vehicles (trucks) bringing loads of scrap metal are typically weighed both inbound to the site and outbound from the site to determine the scrap material quantities (weight of scrap metal delivered). Trucks are expected to remain on-site for an average of approximately 30-60 minutes. A conservative estimate of 200 trucks per day is anticipated. Most of these trucks

would be light duty trucks with a typical length of 30 feet per the American Association of State Highway and Transportation Officials (AASHTO) publication Geometric Design of Highways and Streets (AASHTO, 2004). If the facility is open for 10 hours, and an even distribution is assumed, there are 20 trucks an hour or 10 trucks in each half-hour, which would also represent the number of customer trucks expected to be on-site under average conditions. This is an optimistic assumption, as vehicle arrivals will occur randomly and can be expected to result in higher than average occupancy on a regular basis.

It is anticipated that regular (daily) access to the site by larger trucks (55 foot long "WB-50" trucks) will be necessary to remove the scrap metal materials. The larger trucks removing materials from the site would also need to be weighed both entering and exiting the project site. Once within the boundary of the sorting area, the truck will need to maneuver to back up to the cargo container storage area. The excavator used to handle the material on-site has approximately a 36' reach, and will need to be moved aside to allow the truck access.

### **SITE EVALUATION**

Topics addressed in this section include evaluation of potential operational issues related to the project access to the adjacent roadway system (Alameda Street), on-site queuing, and on-site circulation.

#### **Project Access and Driveway Operations**

The site is located on the northwest corner of the intersection of Alameda Street and 89<sup>th</sup> Street. All site driveways provide access directly to Alameda Street. Adjacent to the site, Alameda Street is a four lane undivided facility. In order to access the site, northbound traffic will wait in the number 1 mixed-flow lane (no left turn bay is provided), then turn left across two lanes of southbound traffic.

Because of the realignment of Alameda Street, the synthesized site plan shows the northernmost project driveway in conflict with the gate for the CRV container area. Additionally, the only way for truck access for CRV material removal is by backing onto the site. This will result in blockage of at least one southbound lane of traffic while the truck accesses the site and the material container is loaded onto the truck. This type of site access activity is inconsistent

with the primary purpose of Alameda Street as a Secondary Highway. The Los Angeles County Circulation Element states that the purpose of a Secondary Highway is to "serve an area-wide function" and that "access control...is desirable along these roads."

Truck access to the scrap metal area also appears problematic. Truck turning paths have been developed for large trucks picking up or dropping off scrap metal. The inbound path for a vehicle attempting to enter the site in a "head-in" maneuver is shown on Exhibit B. As shown on Exhibit B, the "WB-50" truck is unable to make the turn into the site and successfully end on the truck scale. Part of the second southbound through lane is also blocked as the truck makes the turn, and the wheels do not fit entirely within the bounds of the driveway. Therefore, the only way for larger trucks to enter the site will be to back into the site. As described previously, this type of maneuver is inconsistent with the designation of Alameda Street as a Secondary Highway and is likely to result in delays to vehicular traffic traveling along the busy Alameda Corridor.

Traffic operations have also been evaluated. Traffic count data for Alameda Street south of Nadeau Street was obtained from the website for the Los Angeles County Department of Public Works and is contained in Attachment C. Typical weekday counts (taken on a Tuesday) show an average daily traffic volume of 32,800 vehicles per day (VPD). AM peak hour volumes are 1,270 vehicles per hour (VPH) northbound and 892 VPH southbound. PM peak hour volumes are 1,804 VPH northbound and 1,194 VPH southbound.

Peak hour traffic operations analysis using the traffic count data presented previously is included in Attachment D. The analysis assumes 10 vehicles making each inbound and outbound movement at the scrap metal driveway, consistent with the average of 20 vehicles entering and exiting the site during each hour. Additionally, passenger cars are assumed in the analysis, although trucks take additional time to turn (longer gaps in traffic are necessary to allow for the size and momentum requirements of a truck). As shown in Attachment D, each inbound (northbound left) vehicle during the PM peak hour of adjacent street traffic blocks the through lane of traffic for approximately 11 seconds while waiting for an opportunity to turn. The outbound (eastbound left) vehicles will experience 42.8 seconds of delay or level of service

(LOS) "E" during the AM peak hour and the same vehicles will experience an average of 110.5 seconds of delay (LOS "F") during the PM peak hour.

### **On-Site Queuing**

The location of the truck scale allows for up to one larger truck (though a 70' truck would extend into the street) or possibly two smaller (22' or less) pick-up trucks between the entrance and the truck scale. Additionally, if an outbound truck is on the scale, an inbound truck will need to wait, blocking the outbound vehicle path. The limited amount of space available is likely to result in conflicts between inbound and outbound vehicles attempting to use the scale and will potentially result in the queue of vehicles attempting to enter the site blocking southbound traffic on Alameda Street.

### **On-Site Circulation**

Exhibit B (presented previously) also depicts the travel path of large vehicles (trucks) that would be required to remove materials from the site within the site itself. As shown on Exhibit B, a large portion of the site would need to remain clear to ensure that such vehicles have adequate room to maneuver and access allow of the materials containers located along the north side of the site. Exhibit B also depicts the approximate boundaries of the areas that would be available for temporary storage and sorting of materials by the on-site equipment. The remaining area would need to remain clear to allow access to the storage containers.

### **SUMMARY AND CONCLUSION**

Based upon our review of the proposed project site plan, adjusted for the actual boundaries of the property, it appears that the proposed project would negatively impact traffic using Alameda Street in a number of ways. Vehicles turning into the site from northbound Alameda Street would block the northbound inside travel lane on a recurring basis throughout the day. Vehicles attempting to exit the site by making a left turn would experience unacceptable levels of service and delays. The site configuration would also require larger trucks attempting to access the site to block traffic on Alameda Street while backing into the site, as this is then only feasible approach given the proposed layout and location of the scale and CRV storage containers. Finally, the location of the scale is likely to result in vehicle queuing that would also block the outside southbound lane on a recurring basis due to both the queues of inbound vehicles

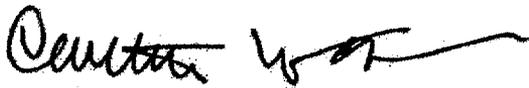
Mr. Greg Williams  
WILLIAMS RECYCLING  
October 26, 2009  
Page 6

waiting to be weighed and also because of the potential conflicts between inbound and outbound vehicles attempting to use the single scale that is proposed.

Urban Crossroads, Inc. is pleased to provide this evaluation for your use. If you have any questions, please contact me directly at (949) 660-1994 x210.

Respectfully submitted,

URBAN CROSSROADS, INC.



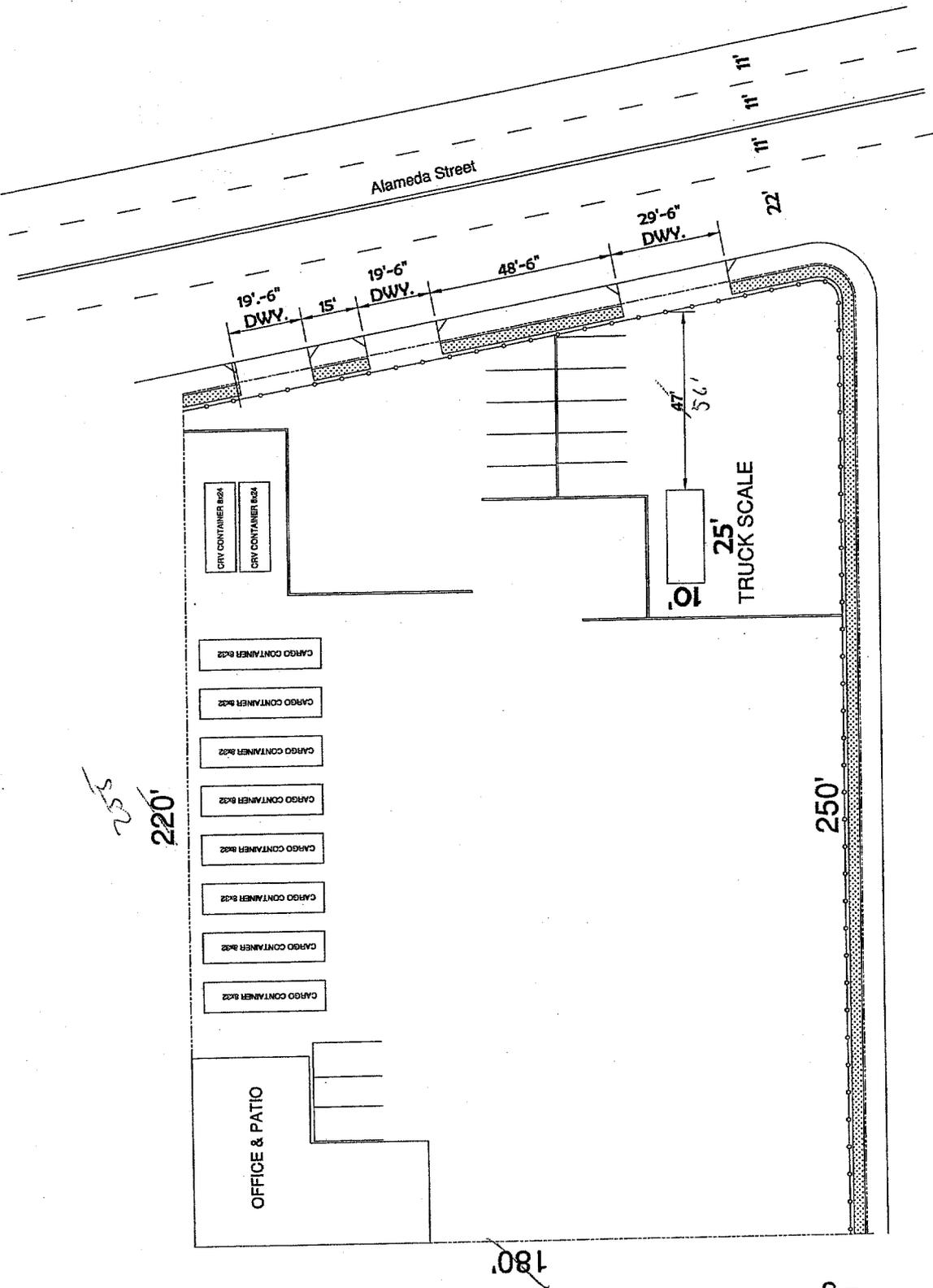
Carleton Waters, P.E.  
Principal

CW:MW:rd

JN: 07067-02 Letter

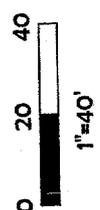
Attachments

**EXHIBIT A**  
**SITE PLAN**



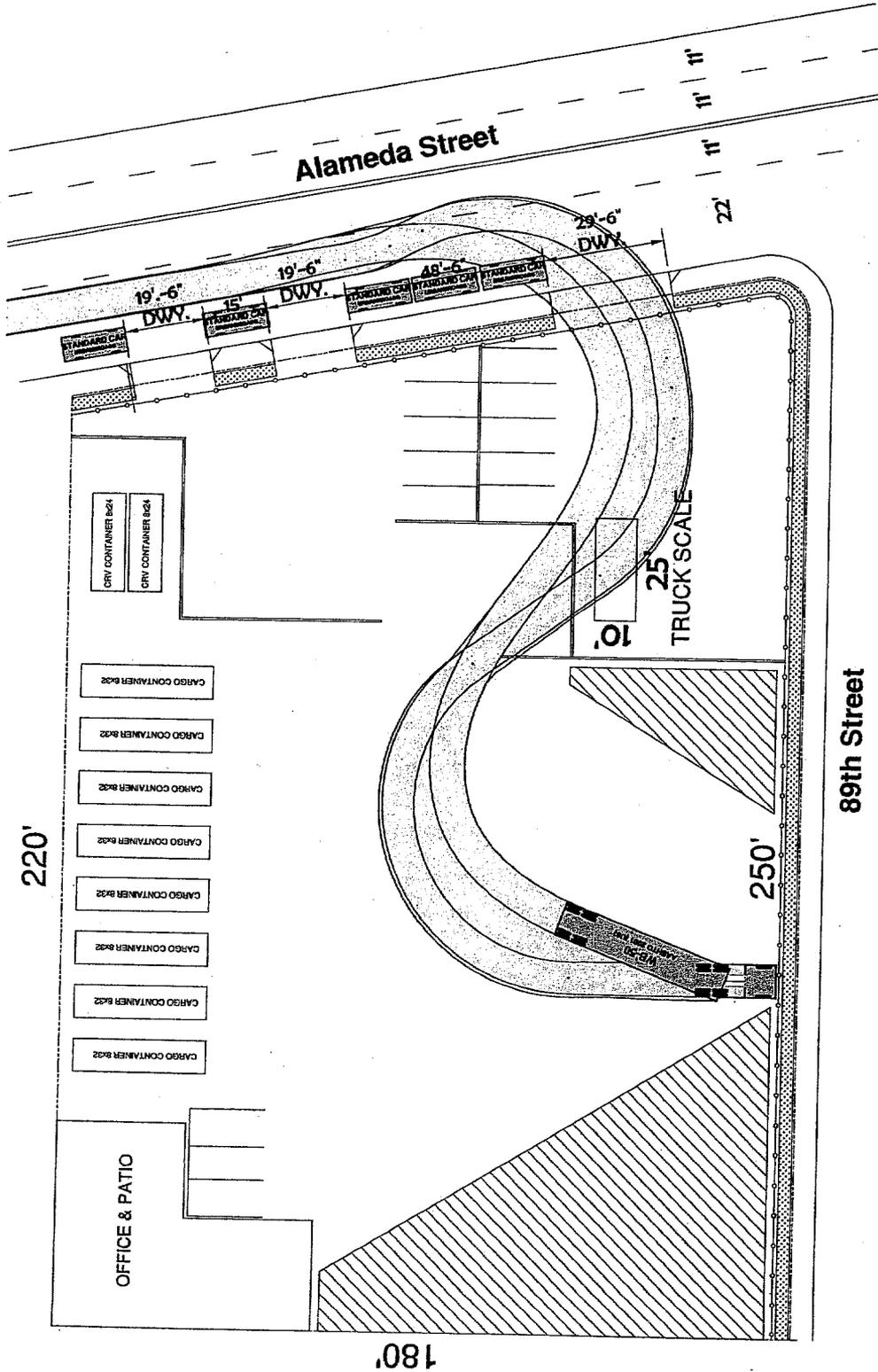
*220'*

*180'*



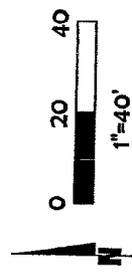
Alameda Street at 89th Street Project Site Assessment  
County of Los Angeles, CA (JN - 07067:002)

# EXHIBIT B INBOUND WB-50 TRUCK TURN



**LEGEND:**

 - POTENTIAL AREA AVAILABLE FOR MATERIALS SORTING



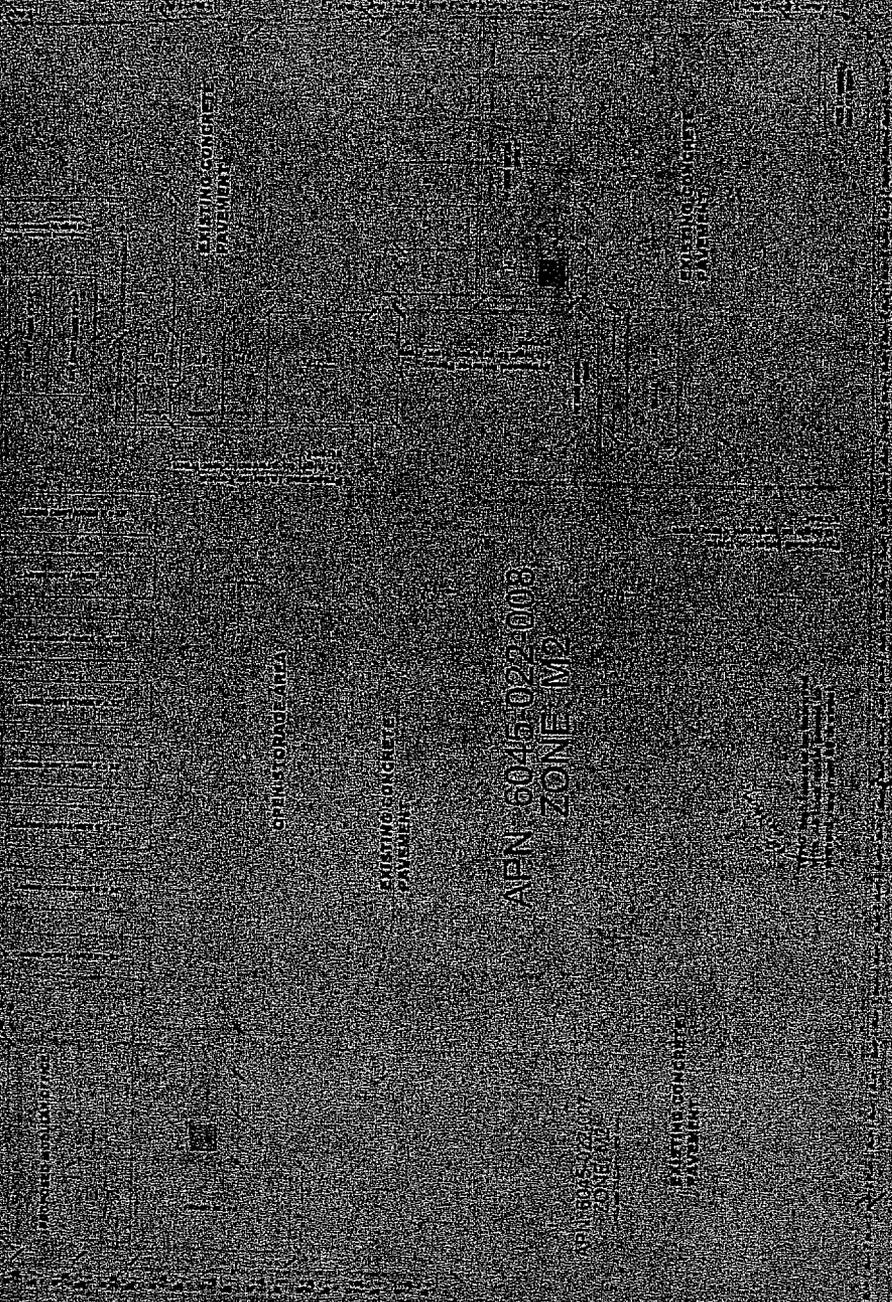
Alameda Street at 89th Street Project Site Assessment  
County of Los Angeles, CA (JN - 07067:atum1)



**ATTACHMENT A**  
Project Site Plan Information

PROJECT DESCRIPTION

# ALAMEDA ST



APN 60451022003  
ZONE M2

89 TH ST

CUTTER PLAN

OPEN STORAGE AREA

EXISTING CONCRETE PAVEMENT



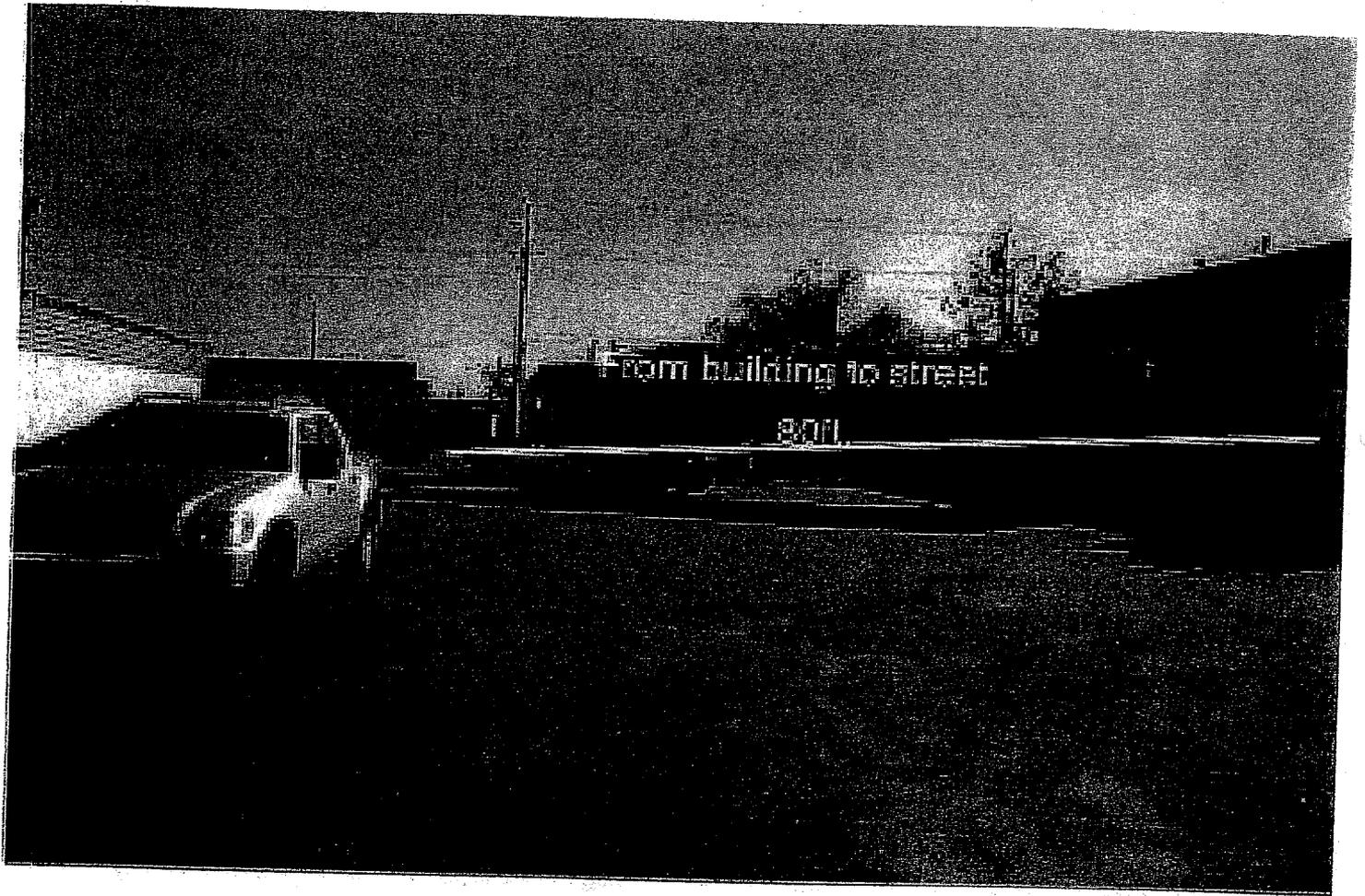
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**ATTACHMENT B**  
Project Operations Description

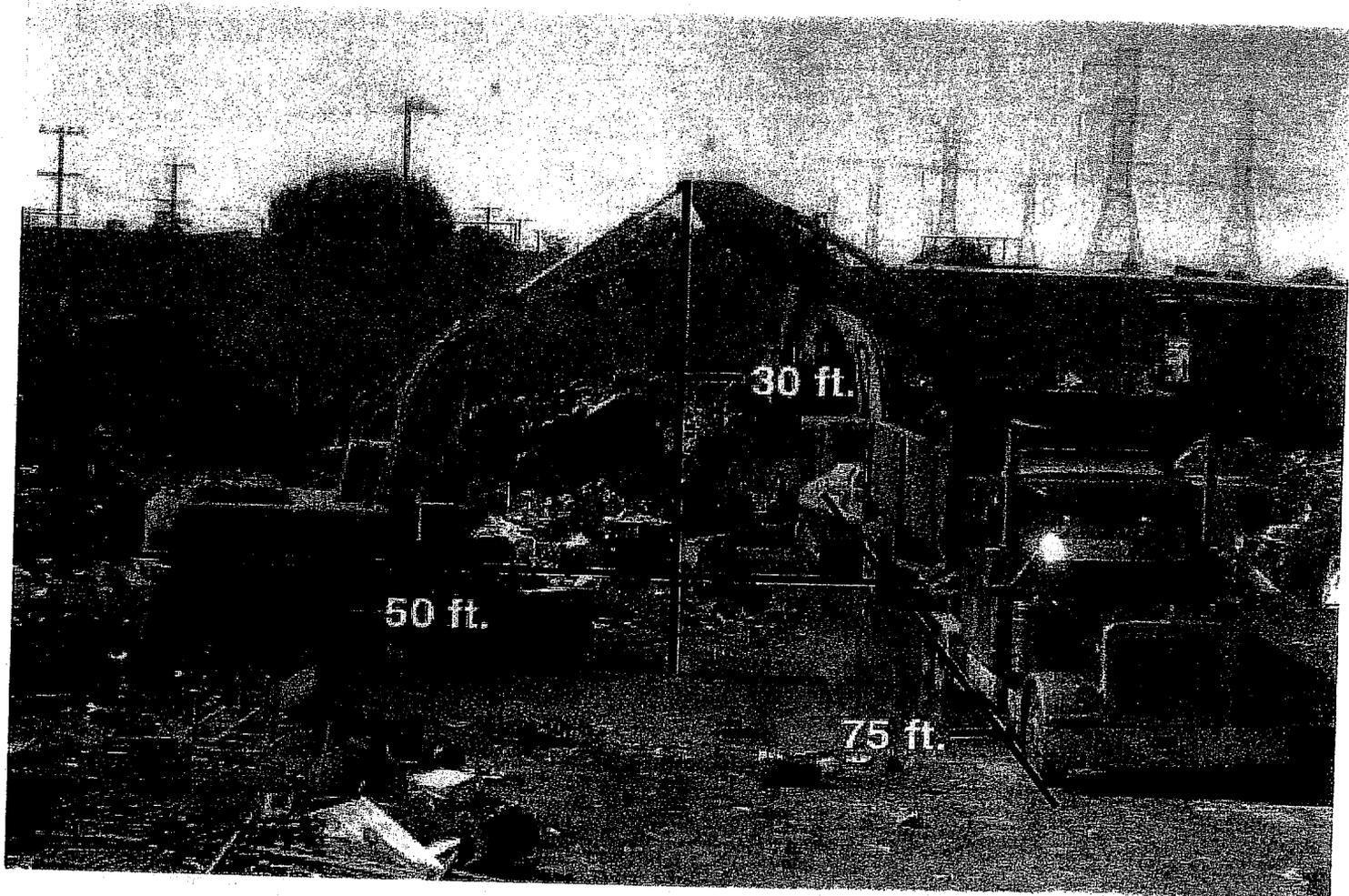
## **Description**

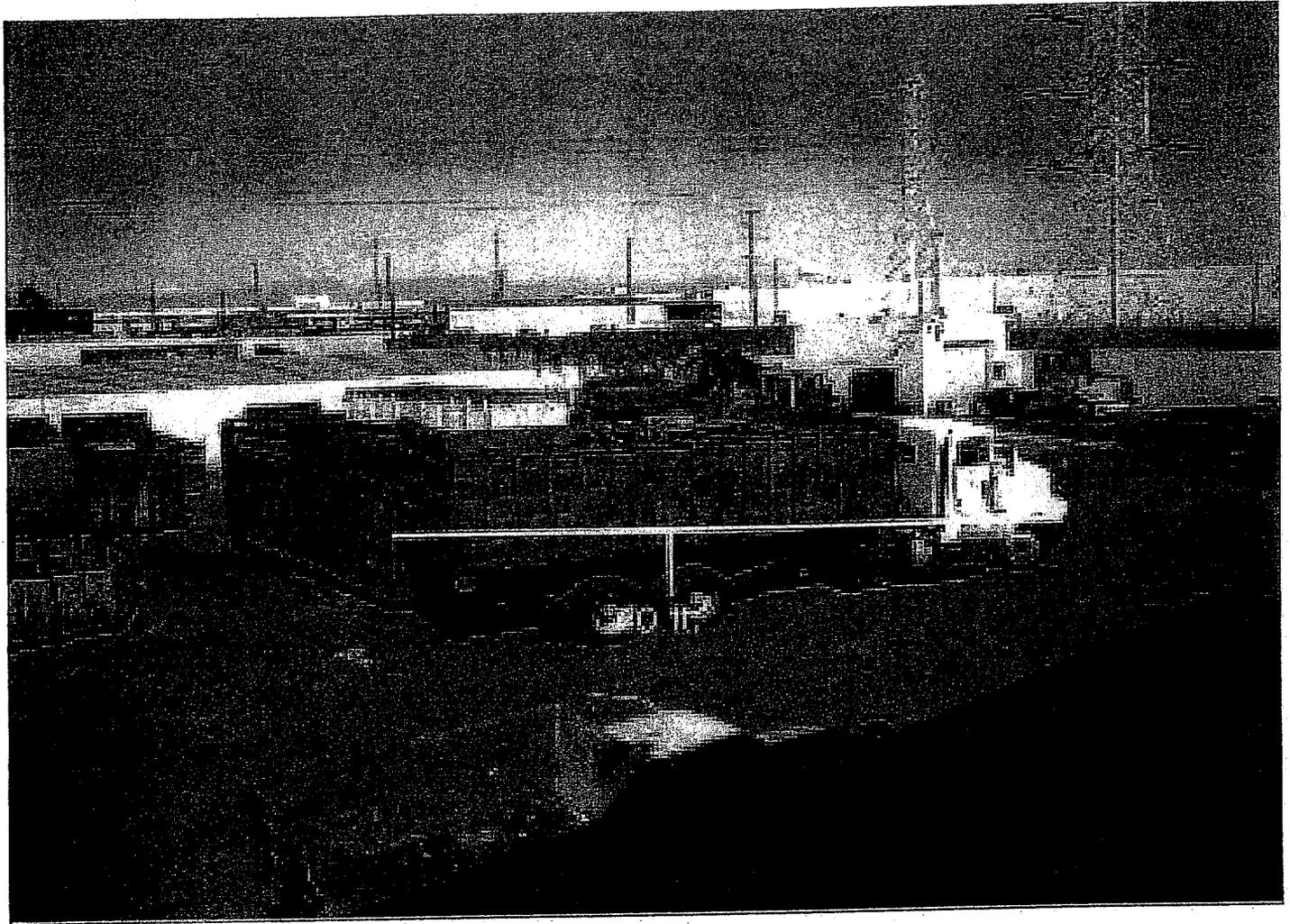
Customers weigh in on 70 foot scale, takes approximately 30 seconds (for most facilities it takes roughly 1-3 minutes). Customer goes to scrap pile to unload, average time is 30 minutes with a standard deviation of 20 and varies from 10-50 minutes. The customer goes back to the scale to weigh out taking another 30 seconds. The customer is paid on the difference in weight. Customer pulls off scale and parks to go to window and receive payment.

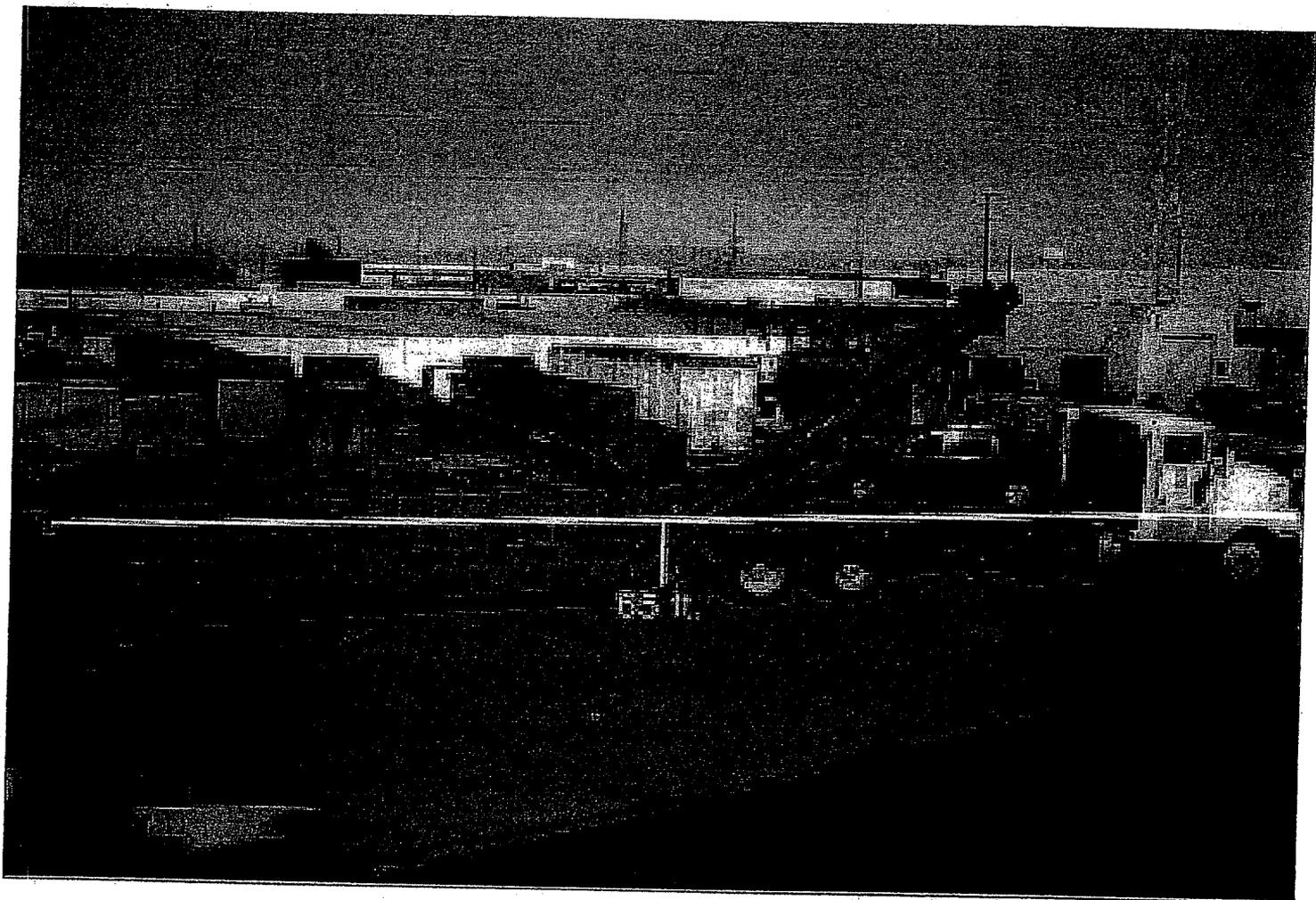
Trucks are filtering in and out of facility simultaneously in between customers throughout the day. The 60 ft. end dumps take approximately 1 minute to weigh in. The truck then backs up to the pile for loading. Loading takes approximately 20-30 minutes to load. The truck then weighs back out on the scale, taking another minute. Truck loading does not affect customers because size of facility is sufficient for loading and offloading at the same time.











**ATTACHMENT C**  
Traffic Count Data

Los Angeles County Department of Public Works  
Machine Count Traffic Volumes

Location	Count Date	Day	Condition	Jur	Hwp	Direction	24 Hr Vol	AM Peak Began	AM Peak Hr Vol	PM Peak Began	PM Peak Hr Vol
ALAMEDA STREET E S/O TWEEDY BOULEVARD	04/30/2007	Mon		241	Major	Total North South	44209 23459 20750	07:00 AM 07:00 AM 07:15 AM	2789 1504 1307	05:30 PM 02:30 PM	2375 1592
ALAMEDA STREET E S/O TWEEDY BOULEVARD	05/01/2007	Tue		241	Major	Total North South	39271 19541 19730	07:30 AM 07:00 AM 07:15 AM	2789 1504 1339	04:00 PM 03:00 PM	1576 1438
ALAMEDA STREET E/O SANTA ROSA AVENUE	02/14/2005	Mon		514	Local	Total East Bd West Bd	1027 516 511	07:15 AM 07:15 AM 07:15 AM	130	05:00 PM 12:45 PM	54 54
ALAMEDA STREET E/O SANTA ROSA AVENUE	02/15/2005	Tue		514	Local	Total East Bd West Bd	1055 520 535	07:15 AM 07:00 AM 07:15 AM	112 60	02:15 PM 02:15 PM	51 61
ALAMEDA STREET N/O DEL AMO BOULEVARD	12/06/2006	Wed		241	Major	Total North South	20677 10984 9693	07:30 AM 07:30 AM 07:30 AM	1641 672 969	04:30 PM 03:45 PM	1457 787
ALAMEDA STREET N/O DEL AMO BOULEVARD	06/16/2009	Tue		241	Major	Total North South	20207 10916 9291	07:30 AM 07:30 AM 07:00 AM	1394 690 722	04:30 PM 04:30 PM	1397 876
ALAMEDA STREET S/O FLORENCE AVENUE	06/14/2007	Thur			Major	Total North South	30575 15303 15072	06:30 AM 06:30 AM 11:30 AM	1855 1184 814	05:00 PM 05:15 PM	903 1243
ALAMEDA STREET S/O FLORENCE AVENUE	06/15/2007	Fri			Major	Total North South	32614 16501 16013	06:30 AM 06:30 AM 11:15 AM	1855 1164 820	03:00 PM 05:45 PM	972 1232
ALAMEDA STREET S/O FLORENCE AVENUE	06/16/2007	Sat			Major	Total North South	30662 15165 15497	11:30 AM 11:00 AM 11:30 AM	2019 999 1029	12:15 PM 04:30 PM	970 1088
ALAMEDA STREET S/O FLORENCE AVENUE	06/17/2007	Sun			Major	Total North South	23850 12028 11822	10:30 AM 10:30 AM 11:30 AM	1700 941 846	02:45 PM 12:00 PM	878 817
ALAMEDA STREET S/O NADEAU STREET	04/30/2007	Mon		141	Major	Total North South	36249 18873 17376	07:00 AM 06:30 AM 11:45 AM	2145 1270 904	05:00 PM 02:45 PM	1378 1415
ALAMEDA STREET S/O NADEAU STREET	05/01/2007	Tue		141	Major	Total North South	32800 17693 15107	07:00 AM 06:30 AM 07:15 AM	2145 1270 892	05:00 PM 02:45 PM	1804 1194
ALAMEDA STREET S/O SANTA FE AVENUE	03/08/2004	Mon		241	Major	Total North South	12739 4987 7752	07:00 AM 07:15 AM 07:00 AM	1125 942 790	03:30 PM 04:30 PM	653 553
ALAMEDA STREET S/O SANTA FE AVENUE	03/09/2004	Tue		241	Major	Total North South	12718 4774 7944	07:00 AM 07:15 AM 07:00 AM	1125 342 790	04:15 PM 04:30 PM	580 620
ALAMEDA STREET S/O SANTA FE AVENUE	03/10/2004	Wed		241	Major	Total North South	12460 4792 7668	07:00 AM 07:00 AM 07:30 AM	1120 319 802	04:15 PM 04:30 PM	563 626
ALAMEDA STREET S/O SANTA FE AVENUE	12/06/2006	Wed		241	Major	Total North South	21975 11769 10206	07:30 AM 07:30 AM 07:30 AM	1671 715 956	04:30 PM 04:15 PM	1522 811

**ATTACHMENT D**  
Operations Analysis Worksheets

Alameda Site Access Evaluation
JN:7067 MW 10/19/09
PM Peak Hour Single Turn For Each Movement

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 Alameda & Site Driveway

Average Delay (sec/veh): 0.4 Worst Case Level Of Service: F [ 61.8]

Table with columns for Street Name (Alameda, Site Driveway), Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Uncontrolled, Stop Sign), Rights (Include), and Lanes. Includes Volume Module data for Base Vol, Growth Adj, Initial Base, Added Vol, PasserByVol, Initial Fut, User Adj, PHF Adj, PHF Volume, Reduct Vol, and Final Volume.

Critical Gap Module: Critical Gap (4.1, 6.8, 6.9), FollowUpTime (2.2, 3.5, 3.3)

Capacity Module: Conflict Vol (1204, 2121, 602), Potent Cap (587, 44, 448), Move Cap (587, 44, 448), Volume/Cap (0.02, 0.23, 0.02)

Level of Service Module: 2Way95thQ (0.1, 0.8, 0.1), Control Del (11.2, 110.5, 13.2), LOS by Move (B, F, B), Movement (LT-LTR-RT, LT-LTR-RT, LT-LTR-RT), Shared Cap (0.1, 0.1, 0.1), Shrd ConDel (11.2, 110.5, 13.2), Shared LOS (B, F, B), ApproachDel (61.8), ApproachLOS (F)

Note: Queue reported is the number of cars per lane.

Alameda Site Access Evaluation  
 JN:7067 MW 10/19/09  
 AM Peak Hour Single Turn For Each Movement

Level Of Service Computation Report  
 2000 HCM Unsignalized Method (Future Volume Alternative)

\*\*\*\*\*

Intersection #1 Alameda & Site Driveway

\*\*\*\*\*

Average Delay (sec/veh): 0.3 Worst Case Level Of Service: D [ 27.2]

\*\*\*\*\*

Street Name:	Alameda						Site Driveway														
	North Bound			South Bound			East Bound			West Bound											
Approach:	L	T	R	L	T	R	L	T	R	L	T	R									
Movement:																					
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign											
Rights:	Include			Include			Include			Include											
Lanes:	0	1	1	0	0	0	0	0	1	1	0	1	0	0	0	1	0	0	0	0	0

Volume Module:

Base Vol:	10	1270	0	0	892	10	10	0	10	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Base:	10	1270	0	0	892	10	10	0	10	0	0	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Est:	10	1270	0	0	892	10	10	0	10	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	10	1270	0	0	892	10	10	0	10	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Final Volume:	10	1270	0	0	892	10	10	0	10	0	0	0

Critical Gap Module:

Critical Gap:	4.1	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	6.8	xxxx	6.9	xxxxxx	xxxx	xxxxxx
FollowUpTim:	2.2	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	3.5	xxxx	3.3	xxxxxx	xxxx	xxxxxx

Capacity Module:

Conflict Vol:	902	xxxx	xxxxxx	xxxx	xxxx	xxxxxx	1552	xxxx	451	xxxx	xxxx	xxxxxx
Potent Cap.:	762	xxxx	xxxxxx	xxxx	xxxx	xxxxxx	106	xxxx	561	xxxx	xxxx	xxxxxx
Move Cap.:	762	xxxx	xxxxxx	xxxx	xxxx	xxxxxx	105	xxxx	561	xxxx	xxxx	xxxxxx
Volume/Cap:	0.01	xxxx	xxxxxx	xxxx	xxxx	xxxxxx	0.10	xxxx	0.02	xxxx	xxxx	xxxxxx

Level Of Service Module:

2Way95thQ:	0.0	xxxx	xxxxxx	xxxx	xxxx	xxxxxx	0.3	xxxx	0.1	xxxx	xxxx	xxxxxx
Control Del:	9.8	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	42.8	xxxx	11.5	xxxxxx	xxxx	xxxxxx
LOS by Move:	A	*	*	*	*	*	E	*	H	*	*	*
Movement:	LT - LTR - RT											
Shared Cap.:	xxxx	xxxx	xxxxxx									
Shared Queue:	0.0	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx
Shrd ConDel:	9.8	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx	xxxxxx	xxxx	xxxxxx
Shared LOS:	A	*	*	*	*	*	*	*	*	*	*	*
Approach Del:	xxxxxx			xxxxxx			27.2		xxxxxx			
Approach LOS:		*	*	*	*	*	D		*	*	*	

Note: Queue reported is the number of cars per lane.  
 \*\*\*\*\*

OCT 19 2009

LAW OFFICES OF

**Robert David Ciaccio**

also Admitted in New York

CITY NATIONAL BANK BUILDING  
3424 CARSON STREET, SUITE 500  
TORRANCE, CALIFORNIA 90503-5701  
(310) 214-1477 Ext: 109  
FAX (310) 214-0764

Email: rdc@robertdciacciolaw.com

October 16, 2009

Our File No.10005.01

City of Los Angeles  
Department of Regional Planning  
Attn: Daniel Fierros  
320 W. Temple Street, Room 1346  
Los Angeles, CA 90012

Re: CUP Applications  
Nos. R2008-00125 and R2008-01463

Dear Mr. Fierros:

As you are aware, following the hearing on October 6, 2009, the matter was continued for purposes of further investigation as to a traffic study by the applicant. As I previously indicated, neighboring businesses were concerned that a CUP would be issued without appropriate environmental noise, traffic, and impact studies.

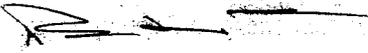
At the hearing an issue was raised regarding the ability for the applicant to provide for parking, as well as, what if any traffic interference would be caused as a result of the issuance of the CUP. In furtherance of the concern is an issue involving the number of employees which would be on premises versus the amounts set forth in the application (13 vs 5).

Also, concern has been raised regarding the site plan, in that there was little or no testimony offered or indicated on the plan with respect to the ability of large trucks to enter the property and maneuver within the site plan or the size and placement of the specific heavy equipment. Such concern may impede the ability of free flow of traffic on Alameda and 89<sup>th</sup> Street. In addition, there was testimony previously provided that there was a planned use for on street parking in this area which is not allowed.

Lastly, with respect to the site plan provided, it has been alleged that the site plan doesn't reflect a current plot but and instead utilized a previous plot plan which was revised due to an expansion of the roadways. It is requested that your office investigate the aforementioned as part of your review process.

Very truly yours,

**LAW OFFICES OF ROBERT DAVID CIACCIO**

  
Robert David Ciaccio

RDC/djn

Daniel Fierros

Department of Regional Planning

320 West Temple Street

Los Angeles, CA. 90012

RE: 2241 East 89<sup>th</sup> Street

September 12, 2009

To whom it may concern;

This letter is to let you know that my business supports Mr. Diaz and his business at the above address. Mr. Diaz is a good person and a good business man. He will provide a great service to the Spanish speaking people in the community.

Carmen Ozuna

x Carmen Ozuna

Date: Sept. 12, 2009

OCT - 5 2009

Competition

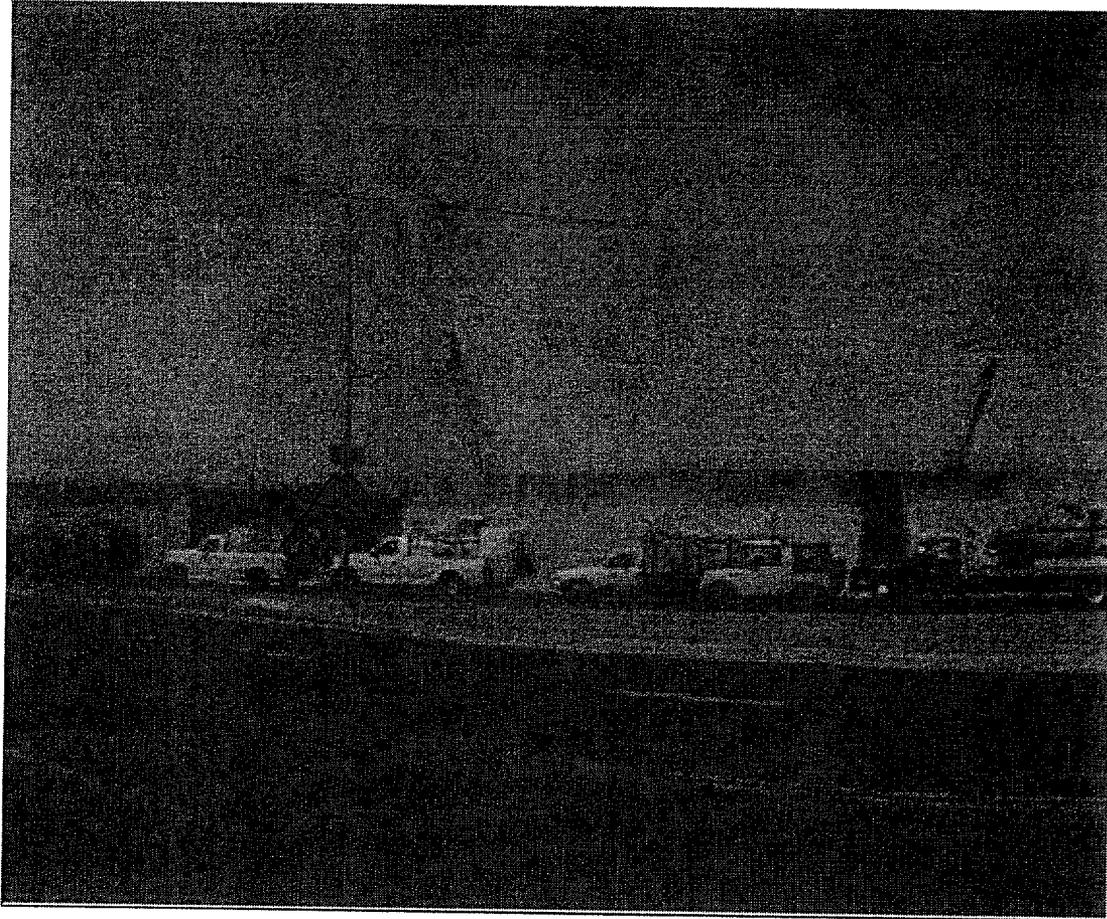
Google maps

Address E 92nd St / Laurel St

Address is approximate

**Save trees. Go green!**

Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



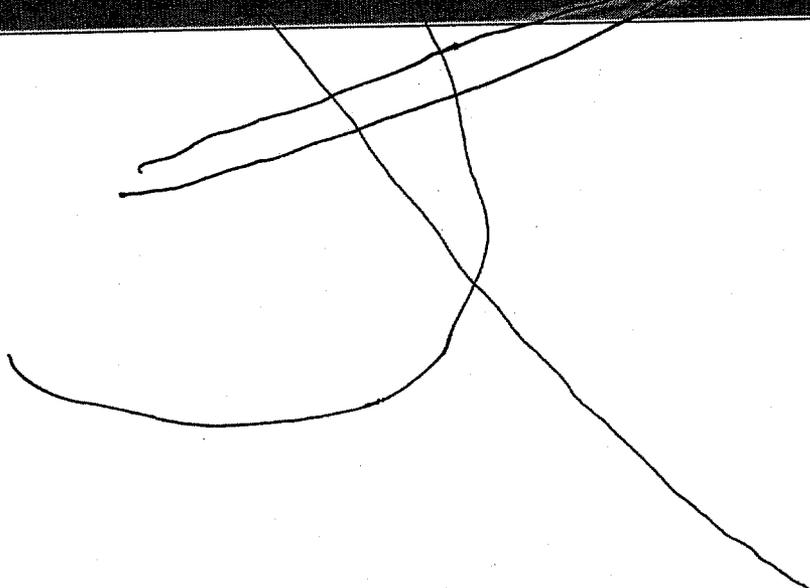
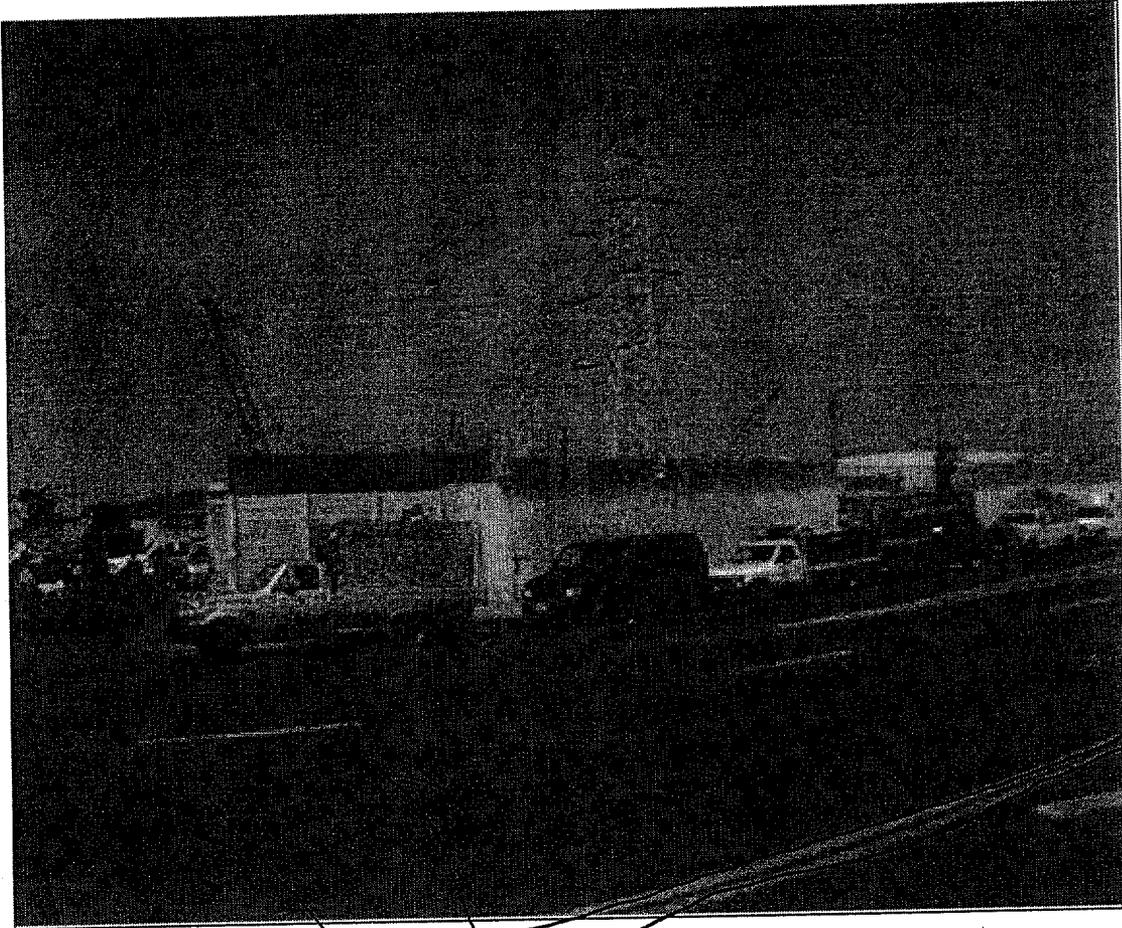
Google maps

Address 2272 E 92nd St

Address is approximate

**Save trees. Go green!**

Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



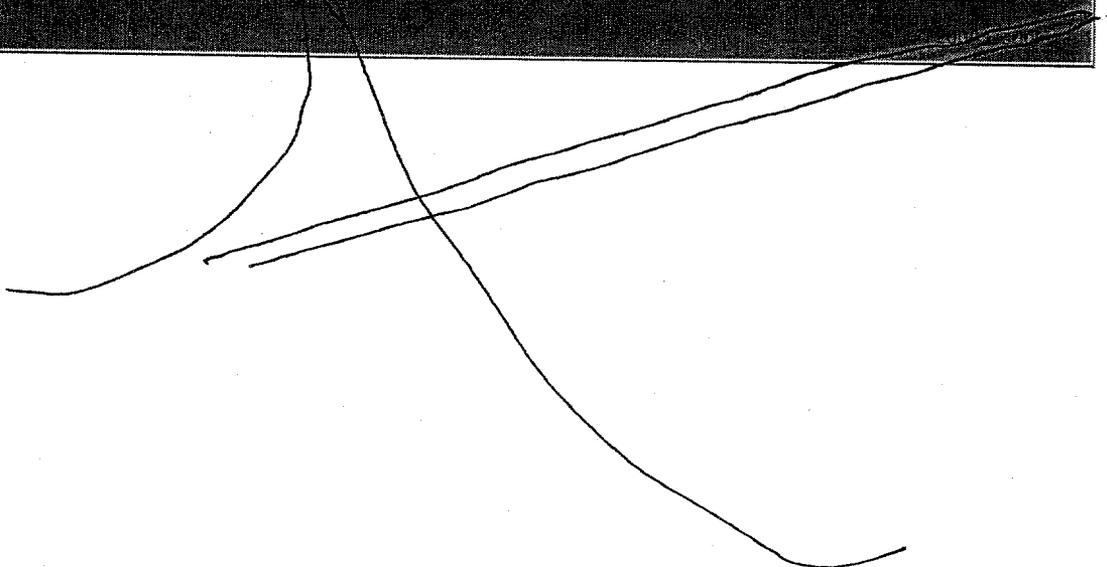
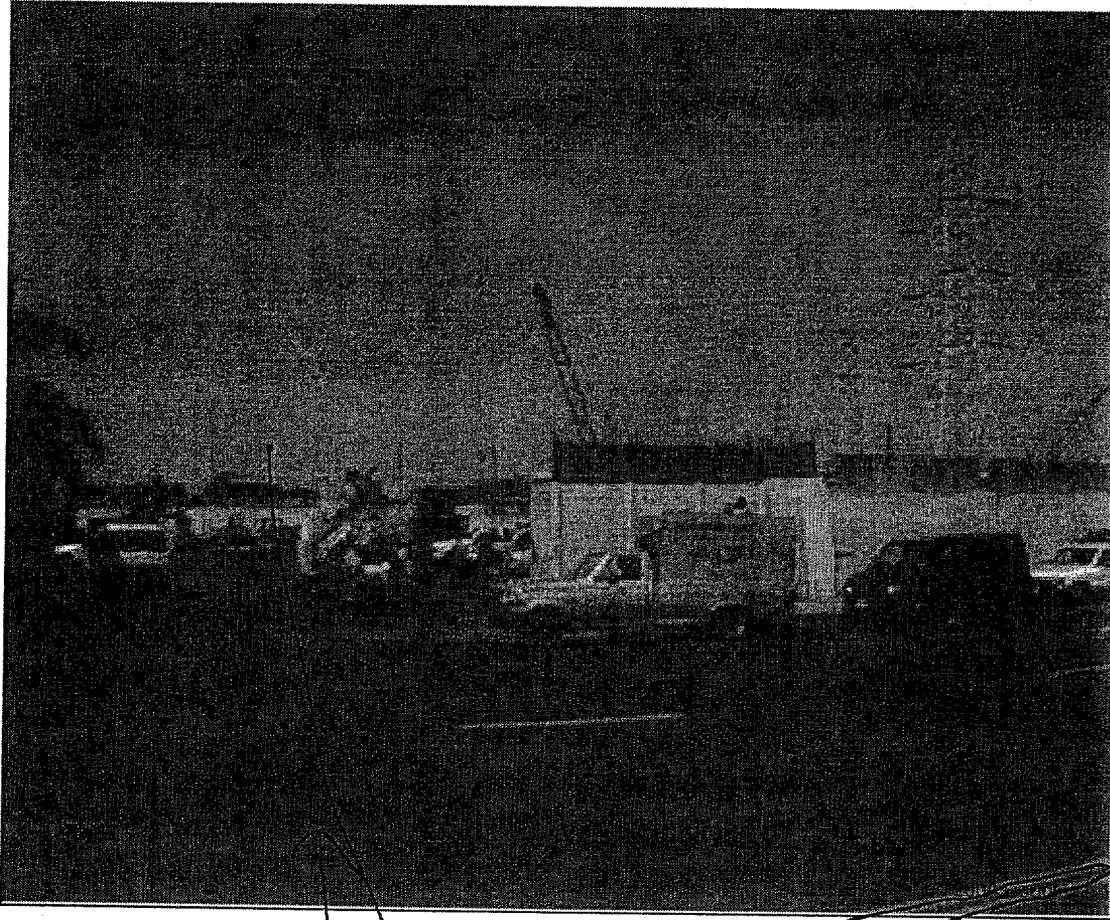
Google maps

Address 2272 E 92nd St

Address is approximate

**Save trees. Go green!**

Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



RECEIVED  
SEP 21 2009

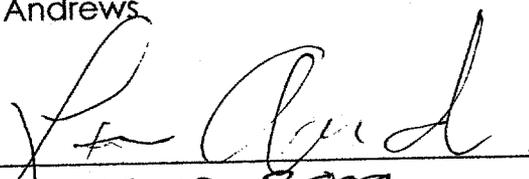
Daniel Fierros  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA. 90012  
RE: 2241 East 89<sup>th</sup> Street

September 12, 2009

Mr. Fierros;

This letter is to let you know that my business supports Mr. Diaz and his business at the above address. Mr. Diaz is a good person and a good business man. He will provide a great service to the Spanish speaking people in the community.

Liz Andrews

X   
Date: 09-12-2009

8 de Septiembre, 2009

Señor Fierros

Department of Regional Planning  
320 West Temple St  
Los Angeles, CA 90012

**RE: 2241 East 89th Street**

Estimado Señor:

Esta carta es para apoyar al señor Diaz, quien siempre ha sido un hombre de negocios muy honesto. No entendemos porque le cerraron su negocio pero deseamos que pronto lo abra para poder llevar nuestros materieles. Le preferimos vender a el y no a las grandes companias que fueron los que tuvieron que ver en que lo cerraran.

Sinceramente.

2200 W 89  
Ralph H. H. H.

SEP 17 2009

September 5, 2009

Daniel Fierros

Department of Regional Planning

320 West Temple Street  
Los Angeles, CA 90012

**RE: 2241 East 89th Street**

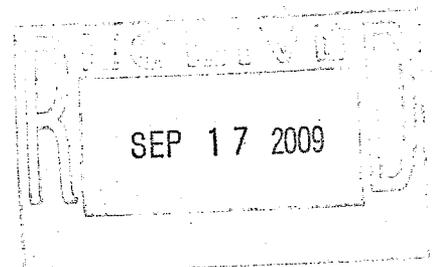
Dear Sir:

This letter is in let you know that we support Mr. Diaz and his business at the above location. Mr. Diaz is a good person and a good business man. He will provide a great service to the people who only speak Spanish in this community.

Sincerely,



8821 S. ALAMEDA ST  
LOS ANGELES CA.  
90002



September 5, 2009

Daniel Fierros

Department of Planning  
320 West Temple St  
Los Angeles, CA 90012

**RE: 2241 East 89th Street**

Dear Sir:

This letter is in support of the project that Mr. Diaz is proposing at the above location. In the short time that Mr. Diaz business was open my business also benefited and I hope that he can re-open soon. Letting business operate is always good. Closing them down is not.

Sincerely,



Int. Towing -  
2225 E- 89<sup>th</sup> St.  
LA, CA, 90002

SEP 16 2009

LAW OFFICES OF

**Robert David Ciaccio**

also Admitted in New York

CITY NATIONAL BANK BUILDING  
3424 CARSON STREET, SUITE 500  
TORRANCE, CALIFORNIA 90503-5701

(310) 214-1477 Ext: 109

FAX (310) 214-0764

Email: rdc@robertdciacciolaw.com

September 18, 2009

Our File No.10005.01

City of Los Angeles  
Department of Regional Planning  
Attn: Daniel Fierros  
320 W. Temple Street, Room 1346  
Los Angeles, CA 90012

Re: 92<sup>nd</sup> Street CUP Applications  
Nos. R208-00125 and R2008-01463

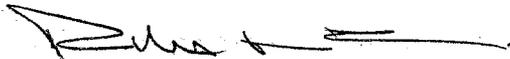
Dear Mr. Fierros:

Please be advised that the undersigned represents various neighbors to the property located on 92<sup>nd</sup> Street, in Los Angeles, California. It is my understanding that CUP permit nos. R2008-00125 and R2008-01463 are scheduled for public hearing on October 6, 2009. I have previously indicated to you that the adjacent neighbors were concerned that the CUP would be issued without the appropriate environmental, noise, traffic study and environmental impact studies. Please forward to my attention any and all documentation obtained by your Department in setting this matter for public hearing and agreeing that the required testing has occurred.

I shall await your immediate response. Time is of the essence given the date of the hearing.

Very truly yours,

**LAW OFFICES OF ROBERT DAVID CIACCIO**



Robert David Ciaccio

RDC/djn

SEP 22 2009



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 4, 2010

**TO: Paul McCarthy**  
**HEARING OFFICER**

**FROM: MARK CHILD** *MC*  
**ZONING PERMITS I SECTION**

**SUBJECT: PROJECT NUMBER- R2008-01463-(2)**  
**CONDITIONAL USE PERMIT - RCUP200800125**  
**2241 E. 89th Street, Los Angeles**

On October 6, 2009 a public hearing was conducted for the consideration of project number R2008-008-01463, CUP 200800125. The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The materials would be sorted and loaded into containers and transported to a processing facility located off site. The estimated number of employees is 4 or 5 on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

The original site plan depicts a total of 14 parking spaces, two of which are designated for handicapped persons. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale, a total of eight 8' x 32' containers and two CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. Open storage is proposed and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 16' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface.

The revised site plan consists of 24 parking spaces, two of which are designated for handicapped persons. Access to the facility is from Alameda Street from three separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of four 8' x 24' containers and four CRV 8' by 22' containers. No open storage is proposed. A queuing area for 20 vehicles and an area for truck to remove containers are also proposed. Buildings and landscaping remains the same from the first proposal.

At the October 6, 2009 public hearing, testimony included questions regarding the traffic generated by the project and how that would be handled. The Hearing Officer continued the public hearing to November 17, 2009 to allow time for staff to consult with the Department of Public Works (DPW) in regards to traffic and drainage.

At the November 17 public hearing a new Hearing Officer was assigned to the case, testimony included questions regarding the traffic generated by the project and how that would be handled. The Hearing Office requested that the applicant work with the Department of Public Works in regards to the traffic and drainage issues that rose in the hearing.

February 4, 2010

PROJECT NUMBER- R2008-01463-(2)

---

At the January 5, hearing the hearing officer inquired about the Public Works comments and there was confusion with the applicant not knowing if Public Works received or did not received the documents for review. Therefore the hearing was continued to February 16, 2010 to allow public works to time to review the project. Since the hearing, the applicant has submitted a revised plan that set aside an area for outside storage materials to be loaded into the containers.

As of February 4, 2010 The Department of Regional Planning has not received comments from Public Works on the project.

MC:DF  
2/4/2010

#4



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Jon Sanabria  
Acting Director of Planning

January 05, 2010

**TO: Paul McCarthy  
HEARING OFFICER**

**FROM: MARK CHILD *[Signature]*  
ZONING PERMITS I SECTION**

**SUBJECT: PROJECT NUMBER- R2008-01463-(2)  
CONDITIONAL USE PERMIT - RCUP200800125  
2241 E. 89TH STREET, LOS ANGELES**

On October 6, 2009 a public hearing was conducted for the consideration of project number R2008-008-01463, CUP 200800125. The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The materials would be sorted and loaded into containers and transported to a processing facility located off site. The estimated number of employees is 4 or 5 on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

The original site plan depicts a total of 14 parking spaces, two of which are designated for handicapped persons. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale, a total of eight 8' x 32' containers and two CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. Open storage is proposed and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 16' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface.

The revised site plan consist of 24 parking spaces, two of which are designated for handicapped persons. Access to the facility is from Alameda Street from three separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of four 8' x 24' containers and four CRV 8' by 22' containers. No open storage is proposed. A queuing area for 20 vehicles and an area for truck to remove containers are also proposed. Buildings and landscaping remains the same from the fist proposal.

At the October 6, 2009 public hearing, testimony included questions regarding the traffic generated by the project and how that would be handled. The Hearing Officer continued the public hearing to November 17, 2009 to allow time for staff to consult with the Department of Public Works (DPW) in regards to traffic and drainage.

At the November 17 public hearing a new Hearing Officer was assigned to the case, testimony included questions regarding the traffic generated by the project and how that would be handled. The hearing office requested that the applicant work with the Department of Public Works in regards to the traffic and drainage issues that rose in the hearing. As of December 15, 2009 staff has not received an official comment letter from DPW.

MC:DF  
11/12/09



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

November 10, 2009

**TO: GINA NATOLI  
HEARING OFFICER**

**FROM: MARK CHILD *M*  
ZONING PERMITS I SECTION**

**SUBJECT: PROJECT NUMBER- R2008-01463-(2)  
CONDITIONAL USE PERMIT - RCUP200800125  
2241 E. 89TH STREET, LOS ANGELES**

On October 6, 2009 a public hearing was conducted for the consideration of project number R2008-008-01463, CUP 200800125. The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The materials would be sorted and loaded into containers and transported to a processing facility located off site. The estimated number of employees is 4 or 5 on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

The site plan depicts a total of 14 parking spaces, two of which are designated for handicapped persons. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale, a total of eight 8' x 32' containers and two CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. Open storage is proposed and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 16' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface.

At the October 6, 2009 public hearing, testimony included questions regarding the traffic generated by the project and how that would be handled. The Hearing Officer continued the public hearing to November 17, 2009 to allow time for staff to consult with the Department of Public Works (DPW) in regards to traffic and drainage.

As of November 10, 2009, staff has not received an official comment letter from DPW. However, DPW has indicated that they will submit comments prior to the hearing on November 17, 2009.

MC:DF  
11/12/09





Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443

**PROJECT NUMBER- R2008-01463**  
**CONDITIONAL USE PERMIT - RCUP200800125**

**PUBLIC HEARING DATE**  
 10/06/09

**AGENDA ITEM**  
 5

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Alameda Recycling & Metals

**OWNER**

Steven & Michelle Lewis

**REPRESENTATIVE**

None

**PROJECT DESCRIPTION**

The facility will buy scrap metals and California Redemption Value (CRV) materials. The Materials will be sorted and loaded into containers. The containers will be transported to a processing facility located off site. The Estimated number of employees is 4 or 5 employees on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection of other materials such as cardboard, newspaper and CRV materials.

**LOCATION/ADDRESS**

2241 E. 89th Street, Los Angeles

**SITE DESCRIPTION**

The site plan depicts a total of 14 parking spaces, two of which are designated for handicapped persons. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale, a total of eight 8' x 32' containers and two CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. Open storage is proposed and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 16' high by 10' wide free standing sign is proposed on the corner of 89th and Alameda Street. All open areas not landscaped will consist of existing paved surface.

**ACCESS**

Access is from Alameda Street and 89th Street

**ZONED DISTRICT**

Firestone Park

**ASSESSORS PARCEL NUMBER**

6045-022-007 & 6045-022-008

**COMMUNITY**

Florence-Firestone

**SIZE**

0.96 Acres

**COMMUNITY STANDARDS DISTRICT**

Florence-firestone

**EXISTING LAND USE**

**EXISTING ZONING**

Project Site	Vacant	M-2(Heavy Manufacturing)
North	Auto Glass, Container Storage and Utility Station	M-2(Heavy Manufacturing)
East	Alameda Corridor/ Industrial	M-2(Heavy Manufacturing)
South	Manufacturing and Used Car Sales	M-2(Heavy Manufacturing)
West	Auto Body, towing and vehicle storage	M-2(Heavy Manufacturing)

**GENERAL PLAN/COMMUNITY PLAN**

County Wide

**LAND USE DESIGNATION**

I-Major Industrial

**MAXIMUM DENSITY**

**ENVIRONMENTAL DETERMINATION**

Categorically Exempt: Class 3 Exemption (New Construction or Conversion of Small Structures)

**RPC LAST MEETING ACTION SUMMARY**

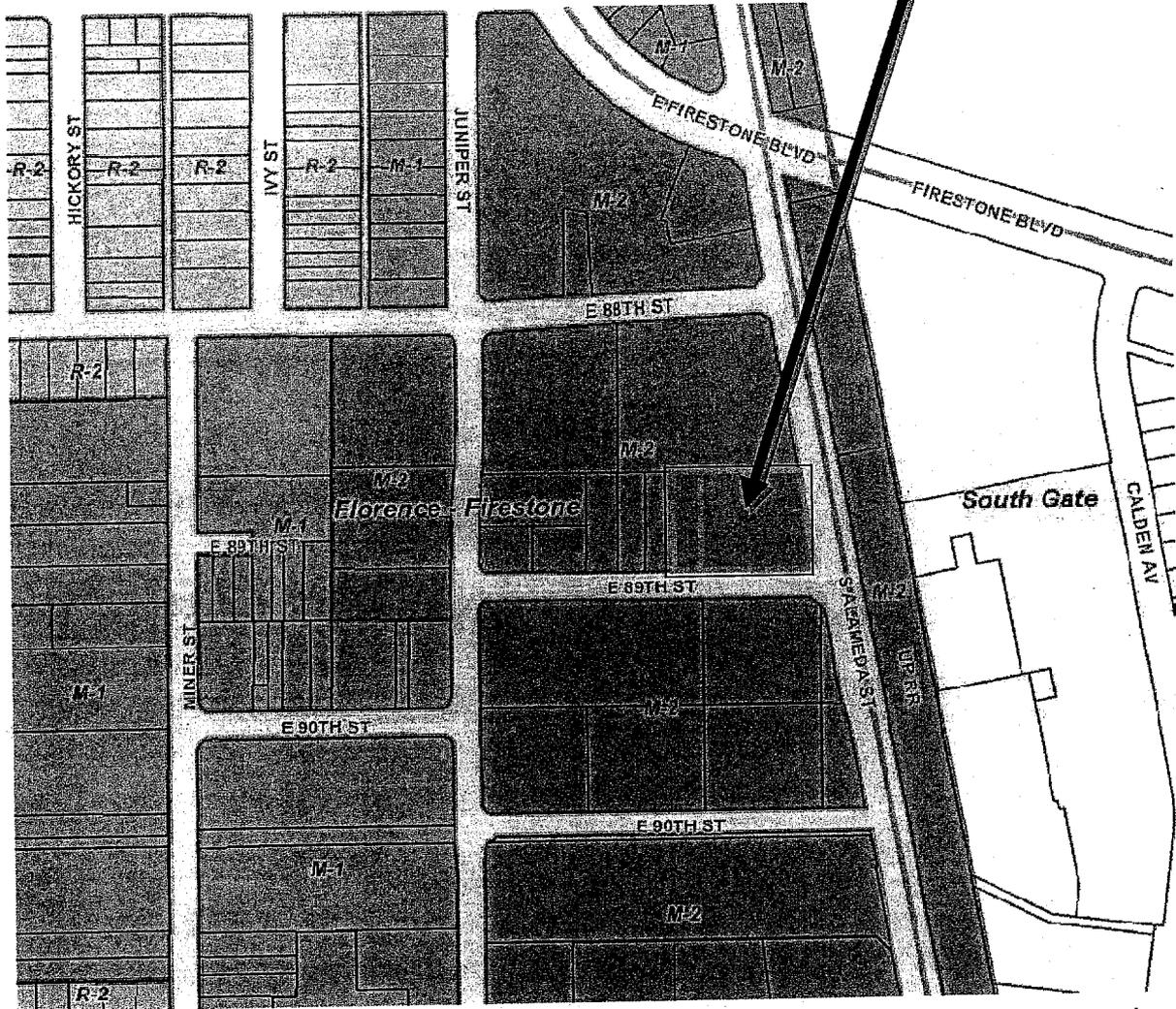
LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

STAFF CONTACT PERSON: Daniel Fierros		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor

# Property Location



**PARCEL 6045-022-007 & 6045-022-008**  
**2241 E. 89<sup>TH</sup> STREET LOS ANGELES CA 90002**

**STAFF ANALYSIS**  
**PROJECT NUMBER R2008-01463**  
**Conditional Use Permit RCUP200800125**

**PROJECT DESCRIPTION**

The facility will buy scrap metals and California Redemption Value (CRV) materials. The Materials will be classified and sorted in the project site open areas and then loaded into containers. The containers will be hauled away to a processing facility located off site. The Estimated number of employees is 4 or 5 employees on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

**LOCATION**

2241 E. 89th Street

**SITE PLAN DESCRIPTION**

The site plan depicts the scrap metal and CRV material facility with a total of 14 parking spaces two of which are designated handicap spaces. Access to the facility is off Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale, a total of eight 8' x 32' containers and two CRV 8' by 24' containers. Also proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. Open storage is proposed on the project site and will be screened by a 10' high solid fence. Landscape is proposed on 89th street, Alameda Street and adjacent to the office buildings. A 16' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street. All open areas not landscaped will maintain the existing concrete paved surface.

**ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 3 - New Construction or Conversion of Small Structures, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

**PREVIOUS CASES/ZONING HISTORY**

CP99021 Continued use of a dismantling yard-September 29, 1999 - Denied

## STAFF EVALUATION

### General Plan Consistency

Surrounding properties are zoned M-2 (Heavy Manufacturing). Properties in the M-2 Zone may be used for scrap metal processing yards subject to the requirements of Part 9 of Chapter 22.52 provided that a conditional use permit is obtained.

### Zoning Ordinance and Development Standards Compliance

The proposed project substantially meets the Los Angeles County Code requirements and the subject property's General Plan designation.

### Neighborhood Impact/Land Use Compatibility

The proposed project is compatible with the existing surrounding industrial uses. The establishment of a new scrap metal processing facility will not impact the surrounding neighborhood.

### Burden of Proof

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following:

- A) That the requested use at the location proposed will not: 1) adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, or 2) be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, or 3) jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.
- B) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C) That the proposed site is adequately served: 1) by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and 2) by other public or private service facilities as are required.

Staff finds that the proposed project substantially meets the above burden of proof.

## COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The following departments have commented on this project:

As of the time of this report, staff has not received any public agency comments.

**PUBLIC COMMENTS**

A total of five public letters have been received, of which four in support of the project and one expressing their concerns with the project that the "conditional use permit would be issues without the appropriate environmental, noise traffic study and environmental impact studies".

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Planning Commission.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **Approval** of project number R2008-01463 Conditional Use Permit RCUP200800125 subject to the attached conditions.

If approved, staff recommends a fifteen (15) year term for the requested conditional use permit. This is based on the need to re-evaluate the project's compatibility with the surrounding community. Staff also recommends that the project be inspected annually (every year) for compliance with the conditions of approval.

Prepared by Daniel Fierros, Senior Regional Planner  
Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits Section I

**Attachments:**

Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Environmental Document  
Site Photographs  
Site Plan  
Land Use Map

DRAFT

**FINDINGS AND ORDER OF THE PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2008-01463  
Conditional Use Permit RCUP200800125  
2241 E. 89th Street, Los Angeles**

**HEARING DATE: 10/6/2009**

**SYNOPSIS:**

The applicant, Jose Diaz, is requesting a Conditional Use Permit (CUP) to authorize the establishment of a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The site plan depicts a total of 14 parking spaces, two of which are designated handicap spaces. Access to the facility is off Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale, a total of eight 8' x 32' containers and two CRV 8' by 24' containers. Also proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. Open storage is proposed on the project site and will be screened by a 10' high solid fence. Landscape is proposed on 89th street, Alameda Street and adjacent to the office buildings. A 16' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street. All open areas not landscaped will maintain the existing concrete paved surface.

**PROCEEDINGS BEFORE THE PLANNING COMMISSION:**

**Findings**

1. The subject property is located at 2241 E. 89th Street, in the unincorporated community of Florence-Firestone within the Firestone Park Zone District.
2. Scrap metal processing yards require a conditional use permit in the M-2 Zone.
3. The applicant Alameda Recycling and Metals is requesting a conditional use permit to authorize the establishment of a scrap metal processing yard and collection other materials such as cardboard, newspaper and CRV materials.
4. The site plan depicts an office, patio, several cargo containers and a scale.
5. The subject property is currently designated I-Major Industrial in the Los Angeles County General Plan.
6. The subject property is currently zoned M-2 (Heavy Manufacturing)

7. The surrounding property is zoned as follows:  
North: M-2 (Heavy Manufacturing)  
South: M-2 (Heavy Manufacturing)  
East: M-2 (Heavy Manufacturing)  
West: M-2 (Heavy Manufacturing)
8. The subject property is currently vacant and surrounding land uses within 500 include:  
North: Auto Glass, Container Storage and Utility Station  
South: Manufacturing and Used Car Sales  
East: Alameda Corridor/ Industrial  
West: Auto Body, towing and vehicle storage
9. The subject property consists of two rectangular shaped parcels totaling 0.96 acres. Parcel 1 totals 32,957 sq. ft. and parcel 2 totals 8,900 sq. ft. A covenant is required to maintain both parcels as one for the term of the conditional use permit.
10. Frequent monitoring is necessary to assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses. It is therefore necessary to limit the term of the grant to 10 years.
11. To satisfy the burden of proof, the facility must maintain a good general appearance in order to be in keeping with the character of the neighborhood and so as not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located.
12. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of a small structure of this office and patio. Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
14. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.
15. A total of five public letters have been received, of which four in support of the project and one expressing their concerns with the project that the "conditional use

permit would be issues without the appropriate environmental, noise traffic study and environmental impact studies”.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, loading facilities, landscaping and other development features prescribed in this Title 22.
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
  2. In view of the findings of fact presented above, Conditional Use Permit No. RCUP20080125(5) / Project R2008-01463 with findings and conditions is APPROVED subject to the attached conditions.
- c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

This grant authorizes a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials as depicted on the approved revised Exhibit "A", subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4 and 5 and 13 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number

of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
8. If there are any changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A". In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.  
  
In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.

12. All landscaped areas shall be continuously and properly maintained in good condition;
13. This grant shall expire unless used within 2 years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than 6 months prior to such expiration date.
14. This grant will terminate on **October 6, 2019**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
15. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.  
Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for ten (10) semi-annual (twice per year) inspections. Inspections shall be unannounced.  
The inspection fee shall be paid within **30 days** of approval. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

17. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times
19. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning;
21. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited;
22. Outside storage is proposed, therefore all operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence. Neither a solid fence nor building exist for the outside storage area; therefore prior to commencing operations the solid fence or building must be constructed. All walls and fences shall comply with section 22.52.730.  

All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, uniform in height relating to the ground upon which they stand as depicted in the approved exhibit "A"; and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the director.
23. All areas of the yard open to vehicular passage shall be paved with a concrete surface, an asphalt surfacing, an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way as depicted on the approved Exhibit "A", the site plan.
24. Landscaping areas depicted on the approved Exhibit "A" shall comply with section 22.52.770 and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants.

No planting area shall have a horizontal dimension of less than three feet.

A permanent watering system or hose bibs shall be provided which satisfactorily irrigates all planted areas. When hose bibs are utilized, they shall be so located as to permit the watering of planted areas with a 50-foot hose.

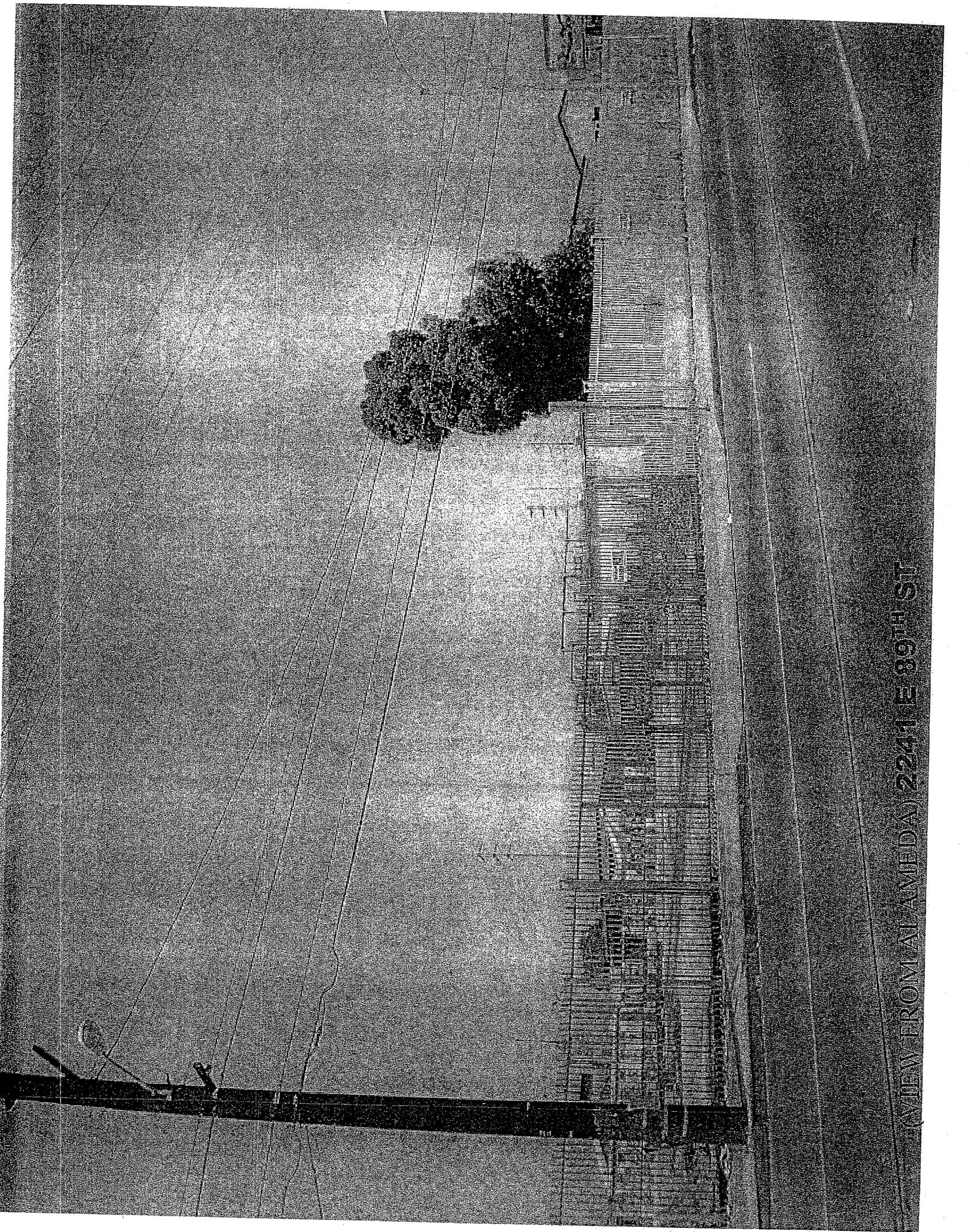
25. Storage shall not be stored above the height of the fence or walls and shall be stored in a manner that it cannot be blown from the enclosed storage area. No storage shall be placed or allowed to remain outside the enclosed storage area.

All storage container exchange shall be conducted on the premises.

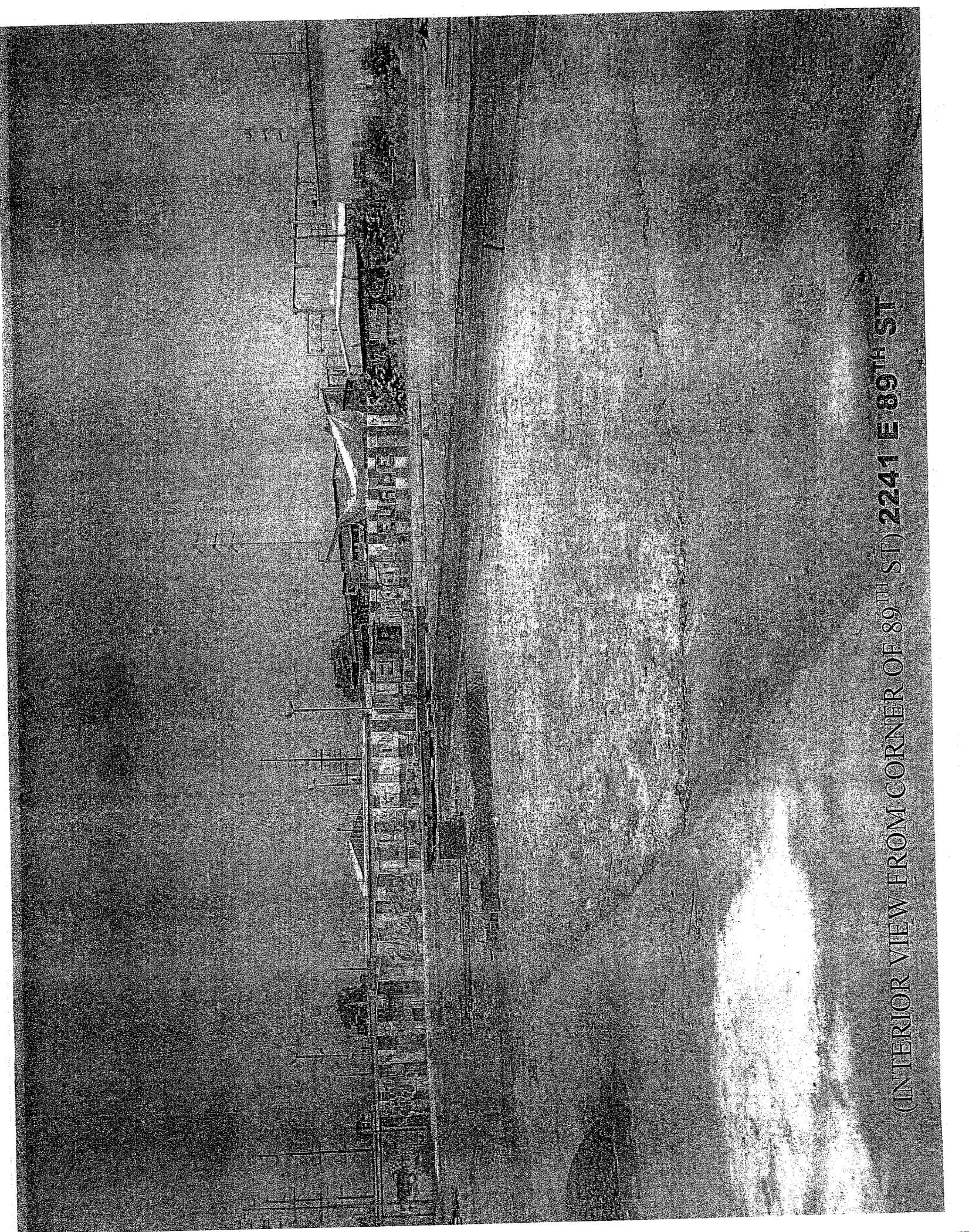
26. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, Wheel Stops and Landscaping).
27. No expansion of the existing storage yard is permitted except as depicted on the approved Exhibit "A", the site plan.
28. No automobile dismantling or parts are permitted on the premises. No wrecked or inoperable vehicles shall be located on the premises.

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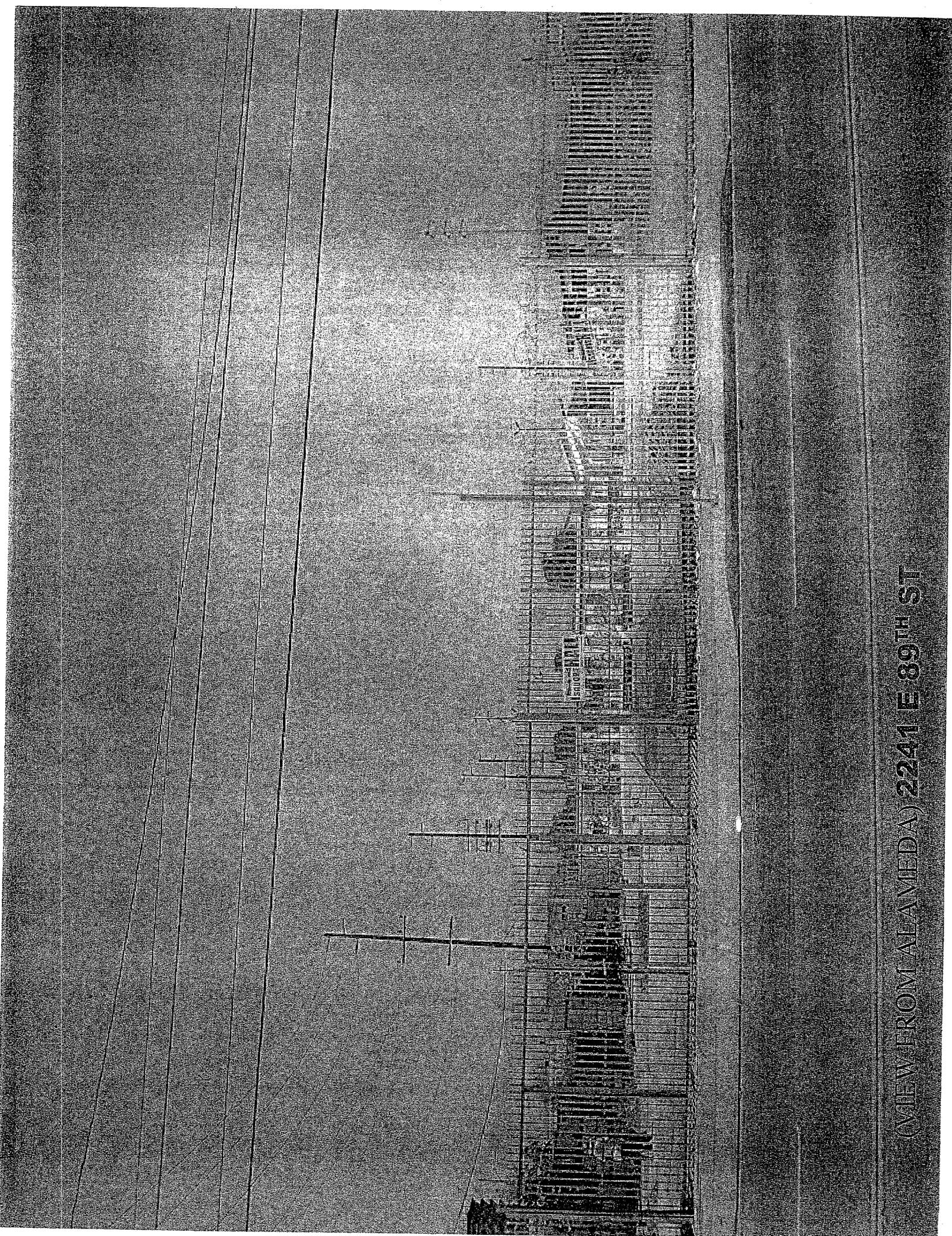
Tuesday, October 6, 2009



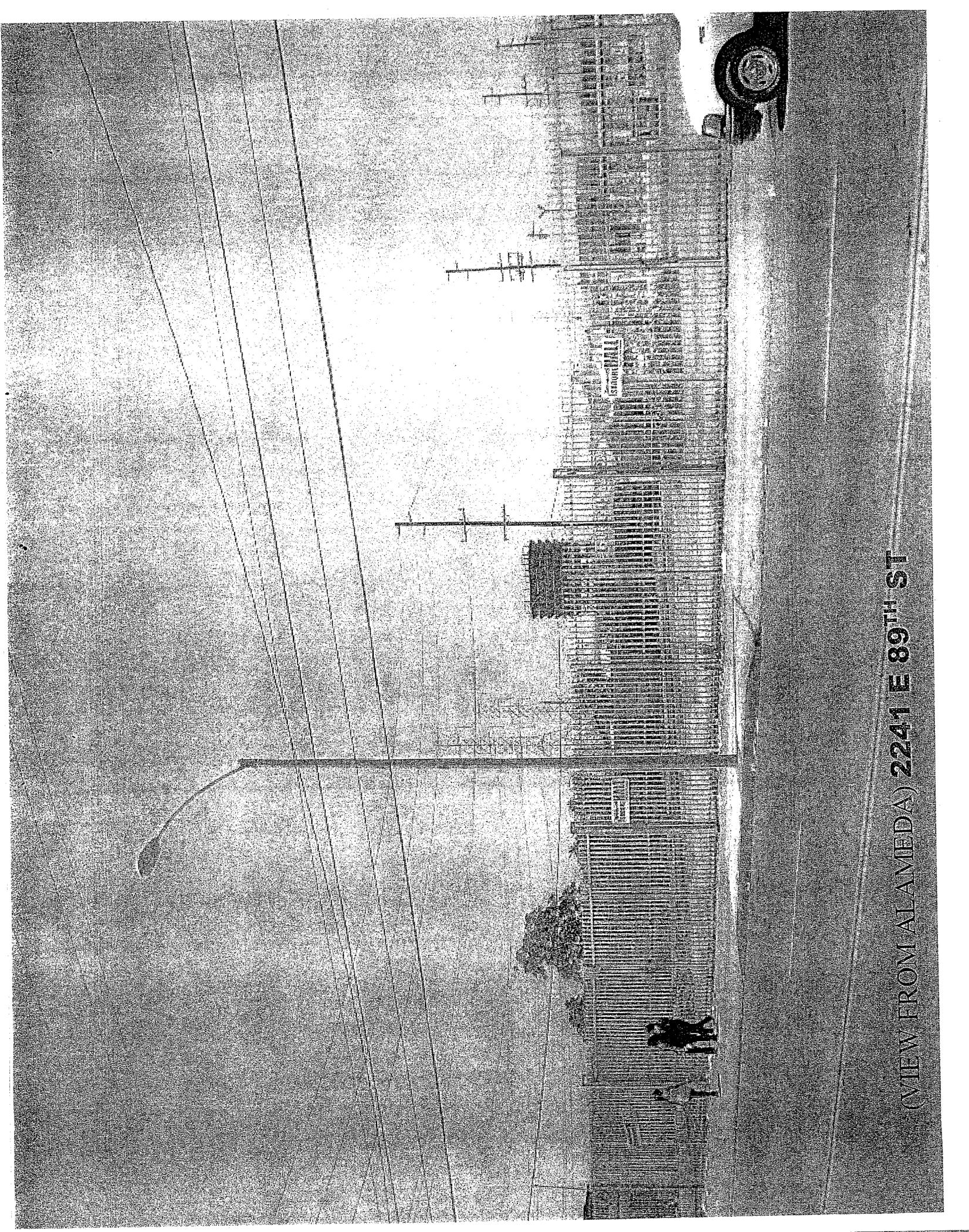
VIEW FROM ALAMEDA 2241 E 89TH ST



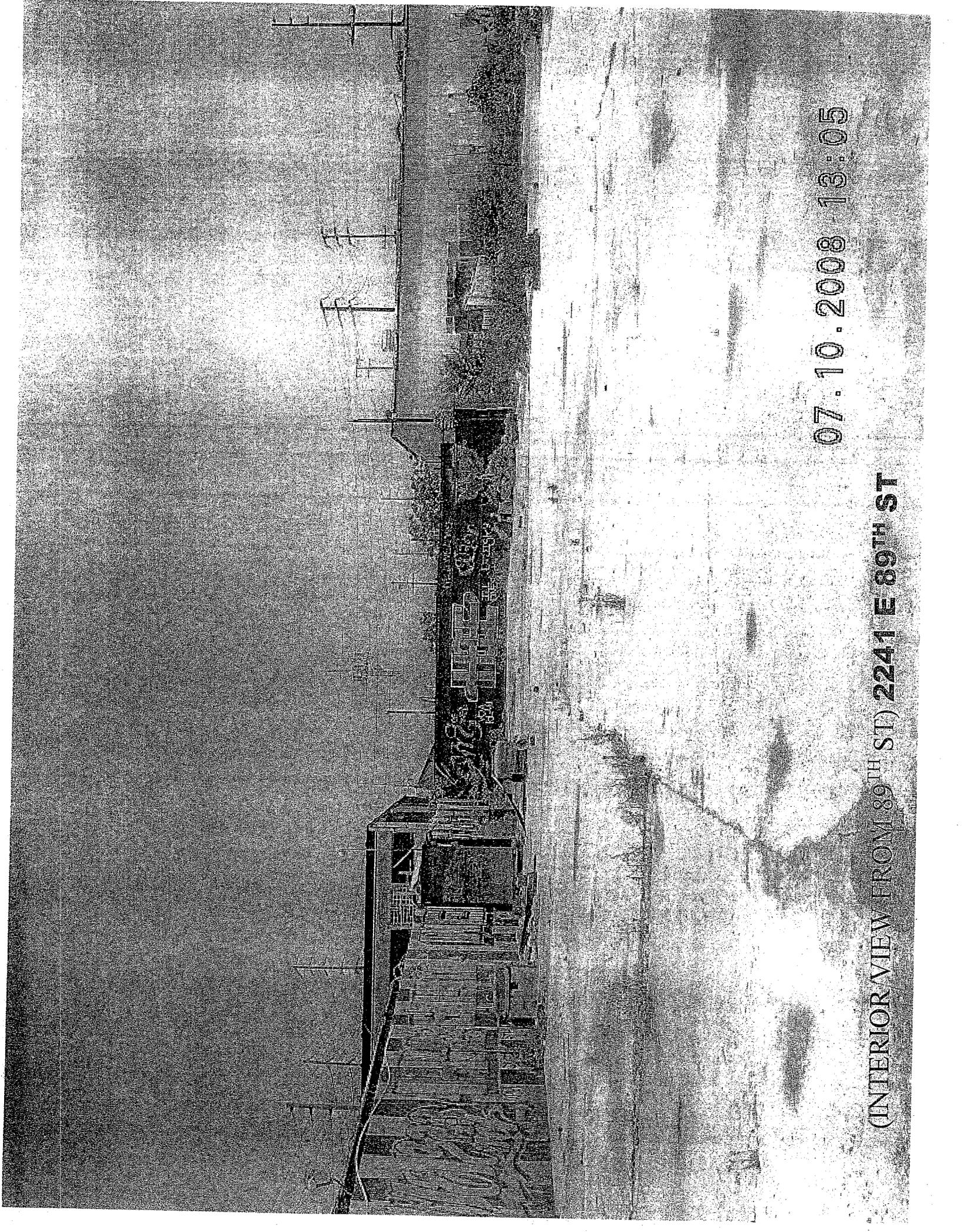
(INTERIOR VIEW FROM CORNER OF 89<sup>TH</sup> ST) 2241 E 89<sup>TH</sup> ST



(VIEW FROM ALAMEDA) 2241 E 39<sup>TH</sup> ST

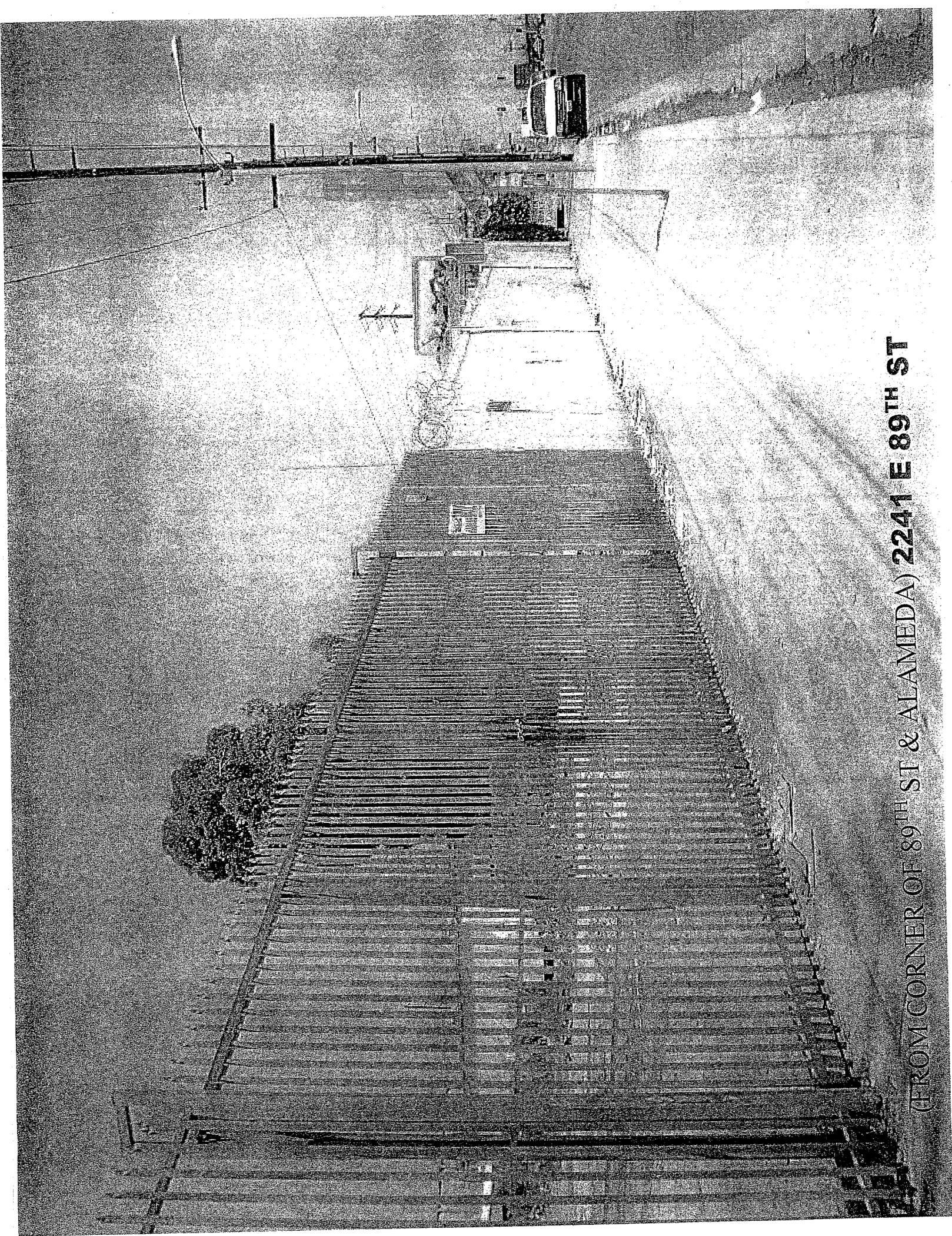


(VIEW FROM ALAMEDA) 2241 E 89<sup>TH</sup> ST



07.10.2008 13:05

(INTERIOR VIEW FROM 89<sup>TH</sup> ST) 2241 E 89<sup>TH</sup> ST



(FROM CORNER OF 89<sup>TH</sup> ST & ALAMEDA) 2241 E 89<sup>TH</sup> ST



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443

**PROJECT NUMBER- R2008-01463-(2)**  
**CONDITIONAL USE PERMIT - RCUP200800125**

**PUBLIC HEARING DATE**  
 April 14, 2010

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Alameda Recycling & Metals

**OWNER**

Steven & Michelle Lewis

**REPRESENTATIVE**

None

**PROJECT DESCRIPTION**

The facility will buy scrap metals and California Redemption Value (CRV) materials. The Materials will be sorted and loaded into containers. The containers will be transported to a processing facility located off site. The Estimated number of employees is 4 or 5 employees on a single shift. Operation hours will be from 8:00 a.m. to 6 p.m. seven days a week.

**REQUIRED ENTITLEMENTS**

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection of other materials such as cardboard, newspaper and CRV materials.

**LOCATION/ADDRESS**

2241 E. 89th Street, Los Angeles

**SITE DESCRIPTION**

The site plan depicts a total of 16 parking spaces (13 regular parking spaces, 3 compact, 1 designated for handicapped persons) of which 6 are designated for employees. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of twelve 8' x 26' containers and 4 CRV 8' by 24' containers. Proposed is the construction of one structure, a 30' by 12' office. Two areas are proposed as open storage areas for materials (3,496 sq. ft. scrap area and 640 sq. ft for special materials/appliance). The outside storage areas are screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 15' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface. A second site plan depicts customer truck queuing and circulation pattern which shows 10 spaces for queuing; seven scrap metal unloading spaces and 3 special materials and appliances unloading spaces. A third site plan shows the large truck route and traffic circulation within the project site for delivery and removal of cargo containers from the project site.

**ACCESS**

Access is from Alameda Street

**ZONED DISTRICT**

Firestone Park

**ASSESSORS PARCEL NUMBER**

6045-022-007 & 6045-022-008

**COMMUNITY**

Florence-Firestone

**SIZE**

0.96 Acres

**COMMUNITY STANDARDS DISTRICT**

Florence-Firestone

**EXISTING LAND USE**

**EXISTING ZONING**

Project Site	Vacant	M-2(Heavy Manufacturing)
North	Auto Glass, Container Storage and Utility Station	M-2(Heavy Manufacturing)
East	Alameda Corridor/ Industrial	M-2(Heavy Manufacturing)
South	Manufacturing and Used Car Sales	M-2(Heavy Manufacturing)
West	Auto Body, towing and vehicle storage	M-2(Heavy Manufacturing)

**GENERAL PLAN/COMMUNITY PLAN**

County Wide

**LAND USE DESIGNATION**

I-Major Industrial

**MAXIMUM DENSITY**

**ENVIRONMENTAL DETERMINATION**

Categorically Exempt: Class 3 Exemption (New Construction or Conversion of Small Structures)

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

**STAFF CONTACT PERSON:** Daniel Fierros

RPC HEARING DATE(S) HO-10/6/2009; 11/10/2009; 1/05/2010 and 2/4/2010 RPC-4/14/2010 and 6/16/2010	RPC ACTION DATE June 16, 2010	RPC RECOMMENDATION Approved
MEMBERS VOTING AYE 4	MEMBERS VOTING NO 0	MEMBERS ABSTAINING 1
STAFF RECOMMENDATION (PRIOR TO HEARING): Approval		
SPEAKERS* (O) 11 (F) 14	PETITIONS (O) 0 (F) 0	LETTERS (O) 6 (F) 4

\*(O) = Opponents (F) = In Favor